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ABSTRACT

This is the 14th report of the Illinois School Problems Commission, a continuing legislative commission since 1957. The 14th School Problems Commission began its work at an organizational meeting in October 1975. Public hearings were held in early 1976 to identify crucial problems and issues. During the later half of 1976 and early 1977, four major subcommittees gathered data and ideas for the resolution of specific problems. The culmination of the commission effort was embodied in recommendations to the state superintendent of education, in recommendations to other agency heads, and in legislative proposals approved by the commission. This document represents a final report for the period and includes a summary of the recommendations made earlier. The major areas of concern were educational finance, special education, and truancy. Attention was also given to educational administration. Appendixes contain a comparison of Public Law 94-142 and the Illinois School Code, and a summary report of truancy in Illinois schools, 1976-77. (Author/IRT)

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# ILLINOIS SCHOOL PROBLEMS

**Report of the School Problems Commission No. 14**

**JUNE 1977**

STATE OF ILLINOIS
SCHOOL PROBLEMS COMMISSION

# REPORT NO. 14
# ILLINOIS SCHOOL PROBLEMS
# 1977

## School Problems Commission Membership

| Senators | Representatives |
|---|---|
| Arthur L. Berman, Chicago[3] | Arthur L. Berman, Chicago[3] |
| John A. Davidson, Springfield[2] | Gene L. Hoffman, Elmhurst |
| Harris W. Fawell, Naperville[1] | Michael F. McClain, Quincy |
| Bradley M. Glass, Northfield[2] | J. Glenn Schneider, Naperville |
| Kenneth Hall, East St. Louis | John F. Sharp, East Alton[4] |
| Thomas C. Hynes, Chicago | Fred J. Tuerk, Peoria |
| Ben E. Palmer, Chicago[1] | |
| David C. Shapiro, Amboy[1] | |

## Appointed by the Governor

William Adsit
Patton Feichter
Mary Evelyn McDade
(Succeeded James Jepsen in May 1976)
Dr. Curtis Plott
Norella B. Welch

Dr. Joseph M. Cronin, State Superintendent of Education
Robert Mandeville, Director, Bureau of the Budget
(Succeeded Leonard D. Schaeffer in January 1977)

## Officers and Staff

Chairman . . . . . Sen. Arthur L. Berman, Chicago
Vice-Chairman . . . . . Rep. Gene L. Hoffman, Elmhurst
Secretary . . . . . Mr. William Adsit, Milford

Research Directors . . . . . Dr. Ben C. Hubbard, Bloomington
Dr. Robert A. Burnham, Normal
Secretary . . . . . Mildred M. Kittell
Staff Assistants . . Bernice Bloom, Elaine Hirsch, and William M. Young

June 1977

[1] Served until January 1977
[2] Current service began January 1977
[3] Elected to Senate, November 1976
[4] Current service began April 1977

# LETTER OF TRANSMITTAL

Governor James R. Thompson and
Members of the 80th General Assembly
Springfield, Illinois

Dear Governor Thompson and Members of the General Assembly:

The Illinois School Problems Commission Number 14 submits herewith its biennial report for the period July 1975 through June 1977.

This is the final report of the Commission's recommendations, Commission sponsored legislative proposals, and summaries of investigative studies and deliberations necessary to understand the recommendations made herein.

Respectfully submitted,

Sen. Arthur L. Berman, Chairman
Mr. William Adsit
Dr. Joseph M. Cronin
Sen. John A. Davidson
Mr. Patton Feichter
Sen. Bradley M. Glass
Sen. Kenneth Hall
Rep. Gene L. Hoffman
Sen. Thomas C. Hynes
Mr. Robert Mandeville
Rep. Michael F. McClain
Ms. Mary Evelyn McDade
Dr. Curtis Plott
Rep. Glenn Schneider
Rep. John F. Sharp
Rep. Fred J. Tuerk
Ms. Norella B. Welch

June 1977

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## AUTHORITY FOR THE COMMISSION

The School Problems Commission, as it is presently constituted, was established through statutory enactment of July 8, 1957. The School Code of Illinois, Chapter 122, Sections 755-761 (Illinois Revised Statutes, 1976) state as follows:

### SCHOOL PROBLEMS COMMISSION

AN ACT to create a commission to survey and study the problems pertaining to the public schools in the State, to define its powers and duties, and to make an appropriation therefor. Approved July 8, 1957.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

755. Creation. 1. *There is created the Illinois School Problems Commission consisting of the State Superintendent of Education, the Director of the Bureau of the Budget, 5 members of the Senate to be appointed by the President, 5 members of the House of Representatives to be appointed by the Speaker thereof and 5 members to be appointed by the Governor. Such appointment shall be in writing and filed with the Secretary of State as a public record. The members shall receive only actual and necessary expenses incurred in the performance of their duties. Vacancies occurring in the appointive membership of the commission shall be filled by the original appointing authority from the group in which the vacancy occurred. The commission shall organize by selecting from its membership a chairman and may employ a secretary and other necessary employees.*

756. Appointments—Tenure. 2. *The members of the commission shall be appointed during the month of July and shall serve for terms of 2 years beginning August 1, of each odd numbered year and members so appointed shall continue to serve until their respective successors are appointed, except that General Assembly members shall serve such term or until termination of their legislative service, whichever first occurs.*

757. Special study groups. 3. *The commission may appoint members of the Legislature or otherwise to act as special study groups to operate under the direction of the commission and such appointed members shall receive only actual and necessary expenses incurred in the performance of their duties.*

758. Duties of commission—Recommendations. 4. *The commission shall study:*

*(1) The progress and problems of school district reorganization and the means of further promotion of an efficient school system.*

*(2) Need of further codification and revision of the school laws.*

*(3) State, county and local school administration of the common schools and the interrelationship of such administration.*

*(4) The adequacy and efficiency of present plans of granting State common school aids of the various types, including the State aid formula and qualifying rates.*

*(5) The methods of acquiring adequate revenue for schools and the definite sources of possible revenue for local school funds and for state school aids.*

*(6) Any problems which may arise that may affect the general welfare of the schools.*

*The commission shall also counsel and advise with the State Board of Education or the State Superintendent of Education on any school problem that either may bring to them for consideration. The Commission may from time to time make recommendations for consideration of improvement in any public school area.*

*The commission shall also make recommendations to the General Assembly by March 1, of each year as to the amount of the State school aids required for the succeeding fiscal year.*

758.1 Subcommittee. 4.1. *The commission may select a subcommittee and provide it with an adequate staff to study the specific needs of urban school districts in Illinois, suggest method of meeting such needs, and the role of the State in relation thereto. The report of such subcommittee shall be included in the report of the commission to the General Assembly.*

759. Additional duties. 5. *The commission shall consider and study all germane factors in an effort to determine the improvements necessary to raise the educational standards of the public schools to a desirable level.*

760. Employees—Compensation—Secretarial and stenographic assistance. 6. *The commission shall employ and fix the compensation of such employees and technical assistants versed in the aims and problems of public education as it deems necessary to effectuate the purposes of this Act. The State Superintendent of Education shall furnish such secretarial and stenographic assistance to the commission as the commission requests.*

761. Reports. 7. *The commission shall make a detailed report of its findings and conclusions to the General Assembly not later than March 1 of each odd-numbered year, and shall submit recommendations for such legislation as it deems necessary.*

# FOREWORD

The Illinois School Problems Commission, a continuing legislative commission since 1957, has designated this document as Report Number 14, thus following the established practice of numbering reports consecutively in each biennium. The Commission has referred to itself as School Problems Commission Number 14 throughout both the 1976 and 1977 sessions of the General Assembly.

The 14th School Problems Commission began its work at an organizational meeting in October 1975. Public hearings were held in early 1976 to identify crucial problems and issues. During the later half of 1976 and early 1977 four major subcommittees of the Commission gathered data and ideas for resolution of specified problems. The culmination of the Commission effort was embodied in recommendations to the State Superintendent of Education, in recommendations to other agency heads, and in legislative proposals approved by the Commission.

Although the Commission did furnish its recommendations in many forms to the General Assembly for the sessions in 1976 and thus far in 1977, this document represents a final report for the period and includes a summary of the recommendations made earlier.

## Commission Membership

As a continuing commission, membership assignments are designed to permit reasonable continuity for those who would serve to resolve these most complex and intertwined social, educational, and political issues. Since the conclusion of the 13th Commission, there have been a number of changes in membership.

### Retiring Members

Senator Harris W. Fawell, who had served on the Commission since January of 1973, did not seek reelection and retired from the Commission in January of 1977. Senator Fawell was active in sponsoring school legislation and used his legal ability to assist the Commission in resolving many problems and in the design of a large amount of legislation.

Senator David C. Shapiro was elected as Minority Leader and resigned from the Commission in January 1977. He had served as a member

of the Commission since 1973. Senator Shapiro had been active in sponsoring legislation relating to education and made many contributions to understanding the need of local schools for financial assistance. He is continuing to serve in the Senate and will continue to be consulted by Commission members about school legislation.

Senator Esther Saperstein had served on Commissions Number 9 through the end of the 13th Commission. During her ten years of service, she had served the Commission in many ways, including specific studies in vocational education and urban education. Her great interest in public education and concern about improving it made her an outstanding member of the Commission. She left the Senate to serve on the Chicago City Council.

Senator Ben Palmer did not seek reelection to the Senate and left the Commission in January of 1977. He had served only one and one-half years but had been a valuable member of the Commission.

Representative Donald Duester served only from January 1975 to the end of the 13th Commission. His keen interest in matters relating to education caused him to be a very active member during his short tenure.

Mr. Leonard Schaeffer, as the Budget Director, served on the Commission from his appointment until January of 1977. He and his staff furnished much information to the Commission and its staff that was invaluable in the Commission's deliberations.

Mr. James Jepsen served as a member of the 13th School Problems Commission and continued to serve until May of 1976 as a member of the 14th Commission. His previous staff work with the General Assembly and his insight into state government made him extremely valuable to the Commission. Few persons have been able to make so many contributions to the Commission and education in so short a period of time as did Mr. Jepsen.

Dr. Samuel Shepard Jr. served as a member of the 13th School Problems Commission. He was an active superintendent of schools and served to give practical advice, especially about administrative matters.

New Members

The 14th School Problems Commission began with a new public member, Mr. Patton Feichter, a teacher at Maine Township High School South, and in May of 1976 a second public member, Mrs. Mary Evelyn McDade, a former Peoria Public Schools board member, was appointed. In January of 1977, Mr. Robert Mandeville was appointed to be the new Budget Director and thus became a member of the Commission.

Representative J. Glenn Schneider of the 41st Legislative District, Representative Michael F. McClain of the 48th Legislative District, and Senator Kenneth Hall of the 57th Legislative District were appointed as new members of the Commission at the beginning of the 14th Commission. Senator Hall had previously served as a member of the 12th Commission. An interesting event took place in the appointment of Representative Michael F. McClain who followed in the footsteps of his father, Representative Elmo L. McClain, who had served as a member of the 10th, 11th, and 12th School Problems Commissions. Representative John F. Sharp, 49th Legislative District, was appointed to the Commission in April 1977.

Continuing Members

At the beginning of the 14th Commission, Representative Arthur L. Berman (since elected to the Senate) was elected Chairperson; Representative Gene L. Hoffman, Vice-Chairperson; and William Adsit, Secretary. Each of them had served on the previous Commission.

In addition to the officers listed above, the members who continued to serve were:

Dr. Joseph M. Cronin, State Superintendent of Education

Senator Thomas Hynes, 28th District

Representative Fred Tuerk, 46th District

Dr. Curtis Plott

Mrs. Norella Welch

The Staff

Mrs. Mildred Kittell continued to serve as the secretary of the Commission and Dr. Burnham and Dr. Hubbard continued as Research Directors for the Commission.

In addition, three staff persons were appointed to serve as task force consultants. These special consultants were Mrs. Elaine Hirsch, Consultant to the Special Education Task Force; Ms. Bernice Bloom, Consultant to the Task Force on Truancy; and Dr. William Young, Consultant to the Task Force on Educational Administration.

## Acknowledgments

A fundamental right in our democracy is to involve oneself in the legislative process. Hundreds of individuals, some representing groups and organizations numbering in the tens of thousands, have

shared with the Commission their problems and suggested solutions. While all of those making presentations cannot be recognized, they are responsible for much of the Commission's understanding of the intricacy of various issues and why some solutions will work better than others.

The excellent cooperation that has existed between the Illinois Office of Education and the Commission has made the work of each entity much easier. Dr. Joseph Cronin gave considerable personal attention and time to the work of the Special Education Subcommittee. He and his Executive Deputy, Dr. Nelson Ashline, unhesitatingly assigned personnel and resources to several task groups to accomplish the job. Data and materials were freely provided as requested. Dr. Fred Bradshaw, Dr. Sally Pancrazio, Dr. Bill Tilley, Ms. Julia Dempsey, and Mr. Gary Kerr (all of the Illinois Office of Education) deserve special accolades for their personal efforts and the staff support they provided.

A number of individuals from the Bureau of the Budget, the Comptroller's Office, and from other State agencies provided invaluable data and assistance. Many persons served on the Special Education and Truancy subcommittees and they are recognized in Chapter II of this report. Without the cooperation of all these individuals, the work on important topics would have been curtailed drastically. The Commission is grateful to all who have assisted, but who are not mentioned by name.

Lastly, special appreciation is extended by the Commission to the Board of Regents of Illinois State University and to President Budig of ISU for allowing the Directors of Research to serve the School Problems Commission.

## Organization of the Report

The busy reader can skim through Chapter I, Recommendations of School Problems Commission Number 14, which summarizes the outcome of the Commission's extensive deliberations, to gain a quick perspective on the position taken on a variety of issues in 1976 and 1977. More extensive information and background data supporting the recommendations are reported in Chapter III and in the Appendix.

Chapter II, Commission Activities, describes the process, procedures, and participants involved by the Commission to identify problems, to test possible solutions and consequences, and to arrive at specific, defensible recommendations. Separate tasks were assigned to subcommittees and a great many persons aided in the development of recommendations. Committee assignments, charges, and membership are outlined in Chapter II.

Summary reports of the major committees on school finance, special education, and truancy are provided in Chapter III, Committee Reports.

Commission and subcommittee deliberations were based on a number of substantive position papers and studies. Two of these papers are included in the Appendices since they are especially germane to Commission recommendations and future legislative and administrative action.

This report of the 14th School Problems Commission was compiled, edited and/or written by Robert A. Burnham who acknowledges sole responsibility for any errors or omissions.

# CHAPTER I

## RECOMMENDATIONS OF SCHOOL PROBLEMS COMMISSION NUMBER 14

This chapter represents a summary of the School Problems Commission's legislative recommendations made during the 1976-77 biennium. These recommendations originated as ad hoc recommendations from the Finance Subcommittee as well as major subcommittee recommendations listed in Chapter III. The wording of the recommendations in this chapter is a paraphrase and condensation of the original. Individuals interested in the specific recommendations or who desire more detailed information are referred to the appropriate Subcommittee reports in Chapter III, to the Appendices, and/or to the House and Senate Bills. Each recommendation involving legislation is cross-referenced to the bills introduced to enact the provisions of the Commission recommendation.

The School Problems Commission recommendations are listed under three categories: Finance and Appropriations, Special Education, and Truancy. Finance and Appropriations recommendations are shown for the session in which they were introduced, in either 1976 or 1977. Special Education and Truancy Subcommittee recommendations are referenced to bills introduced in the 1977 Session. A final section of the chapter shows the disposition or status of bills introduced during the 1977 Session to implement or to support Commission recommendations.

### Finance and Appropriations

#### 1976 Session

The Commission debated and supported various features of the Jaffe Bill, HB 001 of the Sixth Special Session. Specifically, there was an endorsement of the provision to remove the rollback requirement, to permit the transportation levy to be included in the operating tax rate for qualifying purposes, to provide for averaging attendance figures, and to reduce differentials between unit and dual school districts. There is a detailed discussion of these recommendations in Chapter III of this report. The Jaffe Bill passed both houses of the General Assembly and was signed into law by the Governor as Public Act 79-1. Similarly, members of the Commission supported HB 002 introduced by then Representative Berman.

The Finance Subcommittee reviewed the Governor's reduction veto of appropriations for programs in SB 1935 during the override session.

The Subcommittee recommended (a) that the General Assembly consider the appropriation items in SB 1935 on a line-by-line basis, and (b) that the following line item reductions by the Governor be restored.

| | As Approved by the General Assembly | Reduced by the Governor | Net Approved | Actual Cost State Dollars |
|---|---|---|---|---|
| 1) Adult Education-Public Assistance | $ 5,400,000 | -( 3,400,000) | $ 2,000,000 | $ 850,000 |
| 2) Special Education-Private | $ 11,700,000 | -( 6,076,250) | $ 5,623,750 | $2,580,000 |
| 3) Special Education Reimbursement | $113,017,500 | -(11,807,328) | $101,210,110 | $4,128,890 |
| | | -(21,283,578 | | $7,558,690 |

It was noted that the override of these three items would increase appropriations $21,283,578, but would in fact only cost approximately $7,558,890 in state dollars and $2,550,000 in federal dollars, since the final claims were in and the original figures were based on estimates. The remaining items were not recommended for restoration by the Finance Subcommittee.

The Commission approved the above recommendations by a substantial majority (7-1-1).

1977 Session

Commission members discussed the appropriate level of funding for the various grant-in-aid programs and the level of general aid to the common schools. The School Problems Commission has consistently supported full funding of the General State Aid Formula. At the time this biennial report was completed, no decision had been made on the level of support for FY 78. The uncertainty of Federal appropriations to support the authorized spending levels of P.L. 94-142, generally escalating costs of special education programs, and the absence of valid projections of costs of implementing P.L. 94-142 cloud the issue with regard to HB 2361. This latter bill includes appropriations for Grants-in-aid and the operation of the State Board of Education.

## Special Education

The School Problems Commission recommends that the Illinois Statutes be modified to be in compliance with Public Law 94-142 as follows:

1. Establish an annual census of all children ages 3 through 21 receiving special education services, require the regional superintendents to take such a census and recommend to school boards needed special education programs.

   Introduced by Berman et al. as SBs 385 and 387.

2. Empower the State Board of Education to supervise all educational programs for handicapped children, including those administered by other State agencies. Further, to extend due process provisions for handicapped children and their parents and guardians on matters pertaining to testing, placement, evaluation, appeals, hearings, and appointment of surrogate parents. Require annual evaluation of effectiveness of programs.

   Introduced by Berman et al. as SBs 386, 390, 396, and 398.

3. Require school boards to accept handicapped nonpublic school pupils on a part-time basis to schools in the district in which the child resides. Remove exclusionary language, "if space available."

   Introduced by Berman et al. as SBs 388 and 394.

4. Define preschool children as those below the age of three.

   Introduced by Berman et al. as SB 389.

5. Redefine the program categories for exceptional children to include: Learning and Behavior Problems, Moderate and Severe Learning Handicaps, Visual Impairments, Hearing Impairments, Speech and Language Impairments, and Children who are Deaf/Blind. Remove exclusionary language which now limits some programs to those "capable of benefiting."

   Introduced by Berman et al. as SBs 391 (as amended) and 392.

6. Extend special education facilities to include medical services for diagnosis and evaluation, and provide service to students eligible for hospital and home care (correct reimbursement for such care not to exceed $1,250 per pupil).

   Introduced by Berman et al. as SBs 393 and 399.

7. Provide for free and appropriate education (at no cost to parent or guardian) for handicapped child. Private facility tuition reimbursement shall not exceed $2,500 unless costs are approved by a Rate Review Board of the Illinois Office of Education. Such reimbursement shall be reduced by other public or private aid received by parent or child.

   Introduced by Berman et al. as SB 395.

8. Require that nonpublic teachers and institutions of the handicapped meet State requirements for certification of teachers of the handicapped with regard to new employees after July 1, 1978.

   Introduced by Berman et al. as SBs 397 and 400.

9. Expand the role and composition of the State Advisory Council for exceptional child programs.

   Introduced by Sen. Berman as SB 1055.

10. Provide for the study, monitoring and evaluating of special education services and programs.

    Introduced by Sen. Berman as SB 612.

## Truancy

The School Problems Commission recommended the following changes in the Illinois School Code:

1. Create a section to define a truant, a chronic truant, and a valid cause for absence.

2. Require the reporting of nonattendance of chronic truants for whom supportive services, alternative programs, and other school resources have failed to correct truant behavior.

3. Permit school boards to remove chronic truant students from the attendance rolls when intervention measures have been unsuccessful.

   Recommendations 1-3 above introduced by Berman et al. as SB 419.

4. Expand alternative education programs and similar alternatives to the standard educational program. The Illinois Office of Education is encouraged to assist in the development and implementation of optional or alternative programs for truants, especially those designed for early prevention of truant behavior.

   Features of this recommendation introduced by Berman et al. as SB 420.

5. Legislation should be supported to lower the GED minimum age to 18.

   Introduced by McCourt et al. as HB 686; Senator Berman is sponsoring the bill in the Senate.

## Status of Current Legislation

According to the Legislative Synopsis and Digest, as of June 10, 1977, the bills of special interest to the Commission are at different stages in the legislative process.

### Finance and Appropriations

HB 689 and HB 2361 remain in the House Appropriations Committee.

### Special Education

1. The following bills passed the Senate and are being sponsored in the House by the Commission's Vice-chairman, Rep. Gene L. Hoffman:

   SB 385 (as amended to include the substance of SB 387)
   SB 391 (including the new categories for programs of special education)
   SB 392
   SB 399

2. These bills are in the Senate Committee on Elementary and Secondary Education:

   SB 389, SB 397, and SB 400.

3. SB 612 has been assigned to the Senate Appropriations I Committee.

4. The following bills were recommitted to the Senate Committee on Elementary and Secondary Education by Senator Berman (see his statement below):

   SB 386 and amendments incorporating SB 398, and portions of SB 390 and SB 396
   SB 388 and amendments incorporating SB 394
   SB 393
   SB 395
   SB 1055

Truancy

SB 419 and SB 420 passed the Senate and are being sponsored in the House by Representative Gene L. Hoffman.

HB 686 passed the House and is being sponsored in the Senate by Senator Berman.

The decision to recommit several of the bills in the special education package was explained by Senator Berman on May 25, 1977. Excerpts of his statement are given below:

*My action* [to recommit] *will not diminish the commitment to bring Illinois into compliance with P.L. 94-142 by September 1, 1978, as the Federal law mandates.*

*The federal rules and regulations will not be finalized until July 1977, after we are out of session. This recommitment will allow the legislature to act responsibly in this important area after we know the guidelines that will be required by the federal government. The level of federal financial support will also be clearer later this year.*

*The bills* [SB 386, 388, 393, 395] *were recommitted because they impose upon the state and local school districts throughout Illinois substantial costs without an accompanying sharing by the Federal government of these costs. Based upon cost estimates supplied by the Illinois Office of Education the programs mandated by Washington would cost Illinois $29 million in fiscal year 1979. P.L. 94-142 mandates that "full service" be provided to every handicapped child by September 1, 1978, and it would be at that time that the major cost impact would begin and would continue indefinitely in the future. Although certain levels of authorization were included in the Congressional bill, it appears that these authorizations will not be fully funded by Congress. Illinois can expect to receive only about $14 million in fiscal year 1979. Some Congressional observers estimate that future years' funding may only be 40% of the authorization. Not only will this cause us to be $15 million short in FY '79, but the problem is aggravated because*

*of the Congressional formula which allows three fourths of the money to pass directly through to local school districts, but restricts the use of that money so that it cannot be used to offset the major cost items that will have to be met beginning September 1, 1978.*

*Illinois is being penalized by a law tailored for the whole nation but which fails to recognize the dramatic commitment that the Illinois taxpayers and Illinois schools have made over the past eight years in special education. Because the Federal law prohibits the use of Federal monies for programs that have already been instituted by the state, Illinois will not be able to utilize Federal dollars for programs such as private tuition costs. Other states, that are many years behind Illinois, and which, for example, do not pay any tuition costs for handicapped children, will be able to use their Federal dollars for this expensive area of service, but Illinois will not.*

*Until we get some clarification or revision in the Federal law, the passage of these bills at this time would be doing an injustice to not only the handicapped children but also a great injustice to the millions of children in Illinois' schools who are not handicapped. Our resources are limited and we cannot be expected to make substantial new commitments in special education resources when we have not been able to meet the demands and aspirations of the existing, ambitious programs in both special education and general education.*

Chairman Berman and Vice-chairman Hoffman plan to meet with the Illinois Congressional Delegation in Washington, D.C. in July to discuss the School Problems Commission's concerns regarding P.L. 94-142. Interpretation of the language of the Act, clarification of implementation guidelines, and funding levels are topics of vital interest to Illinois.

## CHAPTER II

## COMMISSION ACTIVITIES

Following the custom established by the Commission, public hearings were held around the State throughout the first year of the biennium in addition to regular Commission meetings, special hearings, and various subcommittee meetings held over the two years.

Many individuals and representatives of groups appeared at the public hearings and aired their concerns about some aspect of education. The Commission gained a sense of the crucial issues facing the schools during this process. In most instances the persons making presentations filed copies of their testimony. Such testimony, as well as working papers and Committee reports are on file in the School Problems Commission Office, 1116 State Office Building, Springfield, Illinois 62706.

The Commission held an organizational meeting for the 1975-77 term in Chicago on October 14, 1975. At that time Rep. Arthur Berman was elected Chairman, Rep. Gene Hoffman elected as Vice-Chairman and Mr. William Adsit as Secretary. At a subsequent meeting in December a schedule of public hearings was agreed upon.

### Public Hearings

Four well-attended public sessions were held at which the Commission gathered information about local school problems. Typically, these public hearings are all day sessions with between twenty and thirty persons presenting testimony and many more in attendance. Public hearings, advertised through the local media and school communication channels, were held as follows:

January 16, 1976—Coleman Plaza Motel
East St. Louis, Illinois

January 29, 1976—Holiday Inn
Quincy, Illinois

January 30, 1976—Sheraton Motor Inn
Rock Island, Illinois

March 12, 1976——Evanston Elementary District Office
Evanston, Illinois

Information received at these hearings indicated several general areas of concern: insufficient funding of the public schools, constraints in the school aid formula, truancy and delinquency problems, inequitable

or insufficient provision of special education services, difficulties in dealing with various State agencies and State mandates, and local taxing and assessment problems. Based on this information plus the Commission members' own knowledge, four Subcommittees were planned to explore specified problem areas. Subcommittees were charged with examining problems and recommending action in the area of finance, truancy, educational administration, and special education.

## Federal Action

The 13th School Problems Commission and the Illinois Office of Education had jointly sponsored a study that provided baseline information about the existing status of special education in Illinois. This study, Special Education: Needs, Costs, Methods of Financing, documented the problems of definition of exceptionalities, the complexities of mandated programs which were inadequately articulated, the uncoordinated efforts of various agencies providing (or failing to provide) services, and the costs of the existing categorical funding approach. A continuation study had also been jointly sponsored to examine administrative and financial structures in special education. The Commission had clearly established special education as a high priority area for study and action.

Concurrent with the Commission's interest in special education was the development and passage through Congress of The Education for All Handicapped Children Act of 1975, which President Ford signed into law on November 28, 1975. This comprehensive act became Public Law 94-142 and mandated that "*all children are entitled to a free and appropriate education.*" Two Commission staff members, Mrs. Elaine Hirsch and Dr. Robert Burnham, attended a National Conference of State Legislatures sponsored conference on May 19-21, 1976, that previewed and explained the vast implications of P.L. 94-142. This most ambitious Federal law authorizes more than $7 billion in funds to flow to the States through 1982, and imposes tremendous state and local responsibilities. Illinois has had relatively exemplary special education legislation and programs. Nonetheless, statutory and policy changes are necessary to bring Illinois into compliance with the provisions of P.L. 94-142. The Commission's plans to explore the problems of special education were greatly expanded as a consequence of the Education of the Handicapped Act.

## Subcommittee Assignments and Membership

Chairman Arthur L. Berman appointed the four Subcommittees and presented general charges to each at a Commission meeting on May 11, 1976. The committee assignments were as follows:

### Finance Subcommittee

This Subcommittee's charge was to review the level of funding of the common schools, to examine the operation of the funding formula,

and to recommend legislation to achieve a complete and equitable system of funding elementary and secondary education.

Rep. Gene L. Hoffman, Co-chairman
Rep. Michael McClain, Co-chairman
Mr. William Adsit
Sen. Arthur Berman
Sen. Harris Fawell
Mr. Patton Feichter
Sen. Thomas Hynes
Dr. Curtis Plott
Mr. Leonard Schaeffer
Sen. David Shapiro
Rep. Fred Tuerk
Mrs. Norella Welch

Staff: Dr. Ben Hubbard

Special Education Subcommittee

Chairman Berman assigned this Subcommittee the responsibility of building on the work of the several predecessor School Problems Commission committees which delved into the unique problems of the organization, delivery of services, and funding of special education.

Sen. Arthur Berman, Co-chairman
Dr. Joseph Cronin, Co-chairman
Mr. William Adsit
Sen. Harris Fawell
Rep. Gene L. Hoffman
Sen. Thomas Hynes
Rep. Glenn Schneider
Mrs. Norella Welch

Staff: Mrs. Elaine Hirsch
Dr. Robert Burnham

This Subcommittee was later divided into three Task Forces to deal with particular aspects of special education, and resource persons were added to the subgroups.

Task Force A. Dealt with judicial and legal issues, and the implications of P.L. 94-142.

Sen. Arthur Berman, Chairman
Mr. Cedric Benson, Western Suburban Association for Special Education, Evanston
Ms. Julia Dempsey, Legal Advisor, Illinois Office of Education
Sen. Harris Fawell
Mr. Mike Hagen, Illinois Office of Education
Mr. Gary Kerr, Illinois Office of Education
Ms. Norella Welch, School Problems Commission
Dr. William Whiteside, Department of Special Education, Southern Illinois University—Edwardsville

Staff: Mrs. Elaine Hirsch, Dr. Robert Burnham

Task Force B. Concerned itself with special education funding, information needs, and identification/classification of handicapped pupils and programs.

Rep. Gene Hoffman, Chairman
Ms. Susan Bentz, Assistant Superintendent, Illinois Office of Education
Dr. Fred Bradshaw, Assistant Superintendent, Illinois Office of Education
Dr. Joseph Fisher, Director, Programs for Exceptional Children, Illinois Office of Education
Dr. Jerry Gross, Director of Special Education, LaGrange Area District for Special Education, LaGrange
Sen. Thomas Hynes
Dr. Stephen Lilly, Chairman, Department of Special Education, University of Illinois—Urbana
Rep. Glenn Schneider
Dr. James Stowell, Illinois Office of Education
Dr. Bill K. Tilley, Assistant Superintendent, Illinois Office of Education

Staff: Mrs. Elaine Hirsch, Dr. Robert Burnham

Task Force C. Worked to resolve issues of interagency cooperation as well as the organization and administration of special services.

Dr. Joseph M. Cronin, Chairman
Mr. William Adsit
Ms. Cleo Anderson, Department of Children and Family Services
Sen. Arthur Berman
Mr. Dick Blanton, Department of Mental Health and Developmental Disabilities
Mr. Boyd Bucher, Illinois Office of Education
Dr. Aaron Gray, Director of Special Education, Peoria Public Schools
Ms. Elaine Hoff, Illinois Association for Retarded Citizens, Springfield
Rep. Gene Hoffman
Ms. Gail Leiberman, Illinois Office of Education
Ms. Mary Loken, Director of Special Education, Springfield Public Schools
Dr. Bill Tilley, Assistant Superintendent, Illinois Office of Education
Mr. Bob Van Dyke, Regional Director of Special Education, South Suburban Special Education District

Staff: Mrs. Elaine Hirsch, Dr. Robert Burnham

Educational Administration Subcommittee

This subcommittee was charged with developing an agenda for systematically exploring a series of critical topics such as: mandated programs, management of education, and program quality and performance.

Rep. Gene L. Hoffman, Chairman
Mr. Godfrey E. Cronin, Superintendent, Posen-Robbins Elementary School District 143½, Posen
Mr. George Evans, Superintendent, Normal Community Unit School District 5, Normal
Mr. Nate Fisher, Bureau of the Budget
Sen. Kenneth Hall
Mr. Jon X. Healy, Illinois Office of Education
Mrs. Carol Kimmel, President, National PTA
Dr. Curtis Plott
Rep. Glenn Schneider
Staff: Dr. William Young

Truancy Subcommittee

Chairman Berman charged the subcommittee with the responsibility for exploring the problems of truancy and delinquency, for defining what is termed truant and delinquent behavior, for determining the frequency and effects of such behavior, and for recommending potential solutions. It was suggested that a share of the work be undertaken with the State Board of Education's proposed Task Force on Truancy and Dropout Prevention.

Mrs. Norella Welch, Chairman
Mr. Patton Feichter
Sen. Kenneth Hall
Ms. Mary Evelyn McDade
Rep. Glenn Schneider

Staff: Ms. Bernice Bloom

The Truancy Subcommittee was later expanded to include the members listed below and was renamed the School Problems Commission—Illinois Office of Education Joint Committee on Truancy and Student Discipline. The additional members were:

Mr. Andrew Bitta, Dean of Students, Maine South High School, Park Ridge
Ms. Jeanette Bitter, Quincy Advisory Council, Quincy
Mr. Willis Brown, Superintendent, Stockland School District, Stockland
Mr. Alphonso Collins, Student, East St. Louis
Mr. Tom Donaldson, School Board Member, Springfield School District, Springfield
Mr. Lawrence Gorski, President, The Dravot Corp., Chicago
Ms. Annette Hockenyos, Truancy Alternative Program, Springfield School District, Springfield
Dr. Margaret Jarvis, Illinois Congress of Parents and Teachers, Decatur

Dr. Arthur Lehne, Assistant Superintendent, Chicago Board of Education, Chicago
Mrs. Lula Locket, Parent, Chicago
Mr. Harold Miller, Principal, Joliet Central High School, Joliet
Mr. Paul Montgomery, Dean of Students, Plainfield High School, Plainfield
Mr. Vaughn Morrison, School Social Work Consultant, Illinois Office of Education
Mr. William O'Connell, Juvenile Court of Cook County, Chicago
Hon. William Thompson, Superintendent, Lake County Educational Service Region, Waukegan
Ms. Sybil Yastrow, Educational Consultant, Lake County Educational Service Region, Waukegan

Illinois Office of Education Staff:

Ms. Carolyn Wilson
Mr. Ken Midkiff
Dr. William L. Humm

## Commission Deliberations

The Commission Subcommittees and Task Forces were very active and met regularly throughout the summer and fall of 1976. Detailed reports of the major committees will be found in the next chapter of this report. Progress reports from each of the Subcommittees were presented to the full Commission on October 18, 1976.

An early winter deadline was set for Task Force recommendations to the Special Education Subcommittee. Chairman Berman called the Commission together for a public hearing to deal exclusively with special education issues—especially the impact of P.L. 94-142 on Illinois—in Springfield on November 30, 1976. Public input was sought on matters related to private special education facilities, on determination of "free" and "appropriate" educational services, and on projecting the costs of special education and custodial care services. Recommendations from the Finance Subcommittee were also acted upon by the Commission during a recess of the Special Education public hearing.

The Subcommittees continued to meet regularly until recommendations were worked out for presentation to the Commission. Interim reports were distributed and redrafted. The Illinois Office of Education assumed the responsibility for drafting legislation to make the necessary statutory changes to bring Illinois into compliance with the Federal mandates contained in P.L. 94-142.

Two sessions of the full Commission were held to review and take action on the final reports of the Subcommittees. The Commission voted on Subcommittee recommendations on March 8 and on March 15. The final recommendations of the Commission are those listed in Chapter I. The Subcommittee reports are presented in Chapter III.

# CHAPTER III

## COMMITTEE REPORTS

This chapter includes somewhat abbreviated versions of the reports of the Finance, Special Education, Truancy, and Educational Administration Subcommittees. These reports are the products of the excellent and dedicated work performed by the many persons named in the preceding chapter. Most of the recommendations contained in these reports were acted upon by the full Commission. Results of the Commission's action are summarized in Chapter I.

### Finance Subcommittee

This summary of major happenings in the field of school finance with which the School Problems Commission and its staff have been involved during the term of the 14th Commission was prepared by Dr. Ben C. Hubbard and Dr. G. Alan Hickrod.

Without reducing each activity to a specific recommendation, the Commission operated through studies, commissions, and staff work to be involved in all aspects of school finance. The results of this approach can be observed by studying the full reports prepared, staff memoranda, and documents cited at the end of this chapter. The following is a summary of those activities which appear to be most meaningful to share with the General Assembly and interested citizens. For persons interested in a more thorough or detailed treatment of each topic, the studies cited at the end of this section of the report and in the Bibliography should be helpful.

#### The Jaffe Bill PA 79-1; Sixth Special Session 1976

In the 1976 sessions of the General Assembly the question of amending Section 18-8 of Chapter 122 of The School Code of Illinois was discussed at great length both by the School Problems Commission and by individual legislators. In the end, HB 001 of the 6th Special Session, containing the following changes, was passed and signed by the Governor on September 28, 1976. This bill was known as the Jaffe bill and contained the agreed-to changes that affected state aid that are described below.

The changes which were made in the system of allocation of distributive aid were:

A. A provision was added to the law so that the final claim of a district for a given year could use the weighted average daily attendance for the current year or the average of the three previous years.

B. The guaranteed assessment was changed for K-12 districts from $42,500 to $43,500, and the guaranteed assessment for K-8 districts from $64,615 to $66,300 per weighted ADA pupil. Moreover, the maximum tax that the state would guarantee was decreased from 3% to 2.9% for K-12 districts and from 1.95% to 1.90% for K-8 districts.

C. Another provision made it possible to count the transportation tax rate as an operating tax rate for the purpose of establishing the local district's eligibility for state aid.

D. The Jaffe bill repealed all provisions leading to a rollback of taxes and repealed the rollback provision itself which prohibited increasing taxes above the State guaranteed amounts.

E. A save-harmless feature was incorporated to guarantee districts that increased claims by all districts based in the provisions of 'a', 'b', and 'c' above could not reduce the payment which a school district would have received for the 1976-77 year only if there had been no change in the system of allocating funds.

F. After the 1975-76 school year, the penalty was reduced for any school for failure to provide the minimum school term provided in Section 10-19. The reduced penalty shall be .56818 times the state aid for the district for each day that school fails to meet the standards of Section 10-19.

The changes in the formula in sections 'a', 'b', and 'c' were estimated to increase total claims against the state by slightly more than $111 million, bringing the total claim to approximately $1,422,000,000. In the regular session the General Assembly had passed an appropriation of $1,259,500,000 in HB 2971, sponsored by Representative Berman, Chairman of the School Problems Commission. The Governor, however, reduced the appropriated figure to $1,200,500,000 through amendatory veto. A total of $25 million was appropriated separately in the Sixth Special Session for the save-harmless feature for the one year it was enacted. In the final appropriation, also approved by the Sixth Special Session in HB 0002 sponsored by Representative Berman, the General Assembly increased the appropriation to the common school fund, which had been set at $1,200,500,000 in the regular session, to $1,225,500,000.

## Third Year Evaluation of the Illinois School Finance Reform

The Center for the Study of Educational Finance at Illinois State University has continued its study and evaluation of the 1973 reform of the Illinois school aid program. The information given below is abstracted from the complete report which is available from the Center, under the title, The 1973 Reform of the Illinois General Purpose Grant-In-Aid: An Evaluation After Three Years.

Each year since the formula was changed in 1973 the amount of funds estimated for the school year has been studied by districts and progress toward the equity goals described below has been analyzed. A subsequent section describes a preliminary study of referenda, and a third section discusses some criticisms of the reform.

### Equity Criteria

1. Disparity of Expenditures Per Pupil. From the first year this aspect of the effect of the formula has been evaluated. The term which is used to explain such disparity is called "permissible variance." The statistic used to measure this variance is the "coefficient of variation" (the standard deviation has been calculated for all districts, it has been divided by the mean, and then the results have been multiplied by 100). Overall, this measure shows that the variance has reduced for all types of districts (K-8, 9-12 and K-12) between 1972-73 and 1975-76 and that in 1975-76 the variance has reduced from 1974-75.

2. Disparity of Expenditures in the Bottom Half of the Expenditure's Distribution. It is clear from the data that the low spending districts in the case of K-12 and 9-12 districts have improved or moved closer to the median each year and this trend has continued in 1975-76; however, in the case of the K-8 districts, the first marked decrease in this disparity occurred in 1975-76 but this did not reduce it below the disparity that had existed in 1972-73.

3. Fiscal Neutrality. This term has been used in all of the Center studies to mean that "per pupil expenditures become less of a function of local district wealth than in the past," however wealth is measured. In the Center study both assessed value and income per weighted student are used as the measure of wealth. One process which has been used is to rank the districts based on their wealth per pupil and then accumulate the number of pupils in each district from poorest to weathiest. The assumption has been made that if a perfect balance for local revenue had been made by state aid, then the bottom 10% of the students would receive enough state aid so that when it is added to local operational dollars they would receive 10% of the state-local funds available. Federal funds and state categoricals are not included. The variation from this perfect correlation has been referred to as the Gini Index.

When assessed valuation of property is used as the measure of wealth, the greatest amount of progress for K-8 districts was made in

the first year of the reform (1973-74), and progress has been steady in subsequent years. In 9-12 districts more progress was made in the first and third year than in the second year, but it has progressed each year. In all K-12 districts the measure has moved closer to fiscal neutrality each year and is in fact very close to the goal.

When income per weighted pupil was used as the measure of wealth, there was a steady movement toward fiscal neutrality for K-8 districts; in 9-12 districts the same movement with some variation holds true; however, in K-12 districts the income per pupil in the Chicago districts distorts the picture. If Chicago is dropped from the table, a movement toward fiscal neutrality takes place in the first two years with a slight reversal in the third year; with Chicago left in, the K-12 districts actually achieve a situation where students below the top wealthy districts receive a disproportionate share of dollars. It should be kept in mind that the above is when wealth as measured by personal family income per weighted pupil is used rather than the assessment on which the state bases assistance.

A second approach to "fiscal neutrality" or "wealth neutrality," which avoids some of the difficulties of the "Gini Index," has also been used in each of the annual evaluations by the Center. In this second approach wealth neutrality is defined as a condition in which the linear relationship between expenditures per pupil and wealth per pupil may be graphed as a straight horizontal line with a slope of zero. The line is estimated by a statistical technique known as "least squares regression." Using this approach it is clear that there has been a continual movement of the state toward a goal of "wealth neutrality." This is especially true in unit districts where the slope of the line representing the relationship between property valuation per weighted pupil and expenditures per weighted pupil has been cut in half within a three-year period. The evidence using income, rather than property valuations, is not as regular in form, but the third year's values are all less than the values prior to the 1973 reform and, therefore, in general support the findings when property valuations are used as a measurement of wealth.

Summary of a Referenda Study

Since the formula was designed to reward school districts for local effort up to a maximum that the state would match, it seemed appropriate to examine the change in success of referenda before and after the passage of the reform of the formula. The study, done by Dr. Rasanond and reported in the third-year evaluation, was primarily directed toward exploring the determinants of school district behavior relative to tax referenda. It did, however, shed some light on success and failure of referenda. The study looked only at K-12 and K-8 districts, since 9-12 districts could already tax enough to achieve maximum state assistance. Examining referenda attempts during approximately comparable time periods (July 1, 1971 to June 30, 1974, and July 1, 1974 to March 1, 1976), before and after the new law affected state aid, it was found that there were twice as many referenda in K-12 districts and the success rate was higher in the latter time period.

In K-8 districts the number of referenda actually decreased, but the success rate increased. No substantial conclusion should be drawn from these figures until much more study of the reasons for success or failure of referenda can be undertaken.

## Criticisms of the Working of the Formula

1. Adjustment of Parts of the Formula. (a) Opposition to the Rollback. After the first year's operation of the formula, districts taxing above the guaranteed amount were required to roll back tax levies, proportionately, as state aid increased. The rollback feature has now been repealed and is no longer part of the formula. Criticism of this attempt to place a ceiling on wealthy districts should subside. (b) Full access. The fact that elementary and unit districts in most cases needed to pass referenda to be eligible for full participation caused those school persons affected to argue for the right to go to full participation without a referendum. This remains a problem for these districts to work to resolve.

2. Measurement of Need. The present formula and its predecessor measure need by adding 25% to the ADA count of high school pupils (grades 9-12). The actual calculated difference in the mean cost between elementary and high school pupils is 39%. There are persons who wish to see the present 25% increased, while others argue that pupil units in the lower grades should be weighted more than at present.

A new measure of need, using the number of Title I eligible students, was added with the 1973 changes. There are persons who feel the Title I weighting is too low or too high and a substantial number who believe a new measure of poverty needs should be found. A detailed discussion of this topic is provided in the center report, The 1973 Reform: An Evaluation after Three Years.

3. Formula Faulted for All Problems. Many persons blame the formula because there is not enough money. Chief among the real culprits (that are not directly related to the formula) are declining enrollments, increased per pupil cost, and the problem of inflation. The Center report cites discussion of these problems and ways that have been proposed to deal with them when and if funds can be made available.

## Effects of the Loss of Personal Property Tax

Another study distributed by the Center for the Study of Educational Finance is entitled, Personal Property Tax: The Effects of Its Loss on Illinois Schools. The author is Dr. Max A. Pierson, Superintendent of Cornell High School District #70 in Livingston County. The interested reader is urged to peruse the 168 page report and its companion volume of statistics available from the Center.

The basis for the Pierson study is to be found in the Illinois Constitution of 1970, which mandates that on or before January 1, 1979, the ad valorem method of personal property taxation be abolished. Further, the constitution states that money lost to school districts and units of local government shall be replaced. If the mandate is carried out, there will be several effects upon some of the local educational agencies and upon the state educational agencies. Some of these effects are shown in Table 1.

TABLE 1

STATEWIDE EFFECTS OF SELECTED ADJUSTMENTS IN SCHOOL DISTRICT ASSESSED VALUATION ON OPERATIONAL REVENUE FY 1975

| | Local Levy | | State Aid | | Total |
|---|---|---|---|---|---|
| | Dollars (Billions) | Percent | Dollars (Billions) | Percent | Dollars (Billions) |
| 1974-1975 Base | 1.457 | 51.16 | 1.391 | 48.83 | 2.848 |
| Without Personal Property | 1.237 | 43.96 | 1.576 | 56.03 | 2.813 |
| With House Bill 990 | 1.465 | 51.42 | 1.384 | 48.57 | 2.850 |
| Without Personal Property and with House Bill 990 | 1.245 | 44.23 | 1.570 | 55.76 | 2.815 |

First, the percentage of state aid to local school districts will increase from 48% to 55% if House Bill 990 is administered fully, and the percentage of dollars produced by the local school district tax levy will decrease from 51% to 44%. Note that this increased percentage, however, will not result in additional dollars being made available to education. Instead, it appears that $33 million less would be available to the public schools if the personal property tax were removed. This shift in funding source would result in greater fiscal neutrality and reduced permissible variance. A complete explanation of this shift is given in the Center report.

The state would have spent approximately $179 million if it had replaced the revenue which the repeal of personal property tax would have lost to local educational agencies during FY 1975 (tax year 1973). If this is projected forward to FY 1981 (tax year 1979), it would cost the state between $390 million and $470 million to replace the monies lost to education. Therefore, it appears that the sooner the state acts, the less money it may have to replace. See Tables 2 and 3 for

two estimates of this loss; one is based on a long term projection and the other on the most recent six years of tax data.

TABLE 2

ESTIMATED EDUCATIONAL MONIES LOST

| Year | Dollars |
|---|---|
| 1975 | $340,000,000 |
| 1976 | 370,000,000 |
| 1977 | 400,000,000 |
| 1978 | 430,000,000 |
| 1979 | 470,000,000 |

Projection based upon 29 years of tax data.

TABLE 3

ALTERNATIVE ESTIMATE OF EDUCATIONAL MONIES LOST

| Year | Dollars |
|---|---|
| 1975 | $300,000,000 |
| 1976 | 320,000,000 |
| 1977 | 350,000,000 |
| 1978 | 370,000,000 |
| 1979 | 390,000,000 |

Projection based upon most recent six years of tax data.

What then may be the effects of this mandate upon local educational agencies? The vast majority of local agencies will be unaffected. Since most of the school districts are on the resource equalizer formula, any reduction in assessed valuation will be compensated for in the formula, all other factors remaining constant. This would allow operational revenue to remain approximately the same. There would be a reduction, however, in the district's bonded indebtedness limitation and in the amount of tax anticipation warrants that could be sold. Some school districts may be placed in a chaotic situation. Monticello school district would be a classic example. This school district is a very wealthy district (when property assessment is the measure of wealth) which has a tax

base consisting mainly of personal property. If this assessed valuation were removed and tax rates held constant, operational funds available would drop from $2,339,956 to approximately $920,759. Needless to say, this would be an untenable situation. Fortunately, there are only a few districts so affected.

Some peripheral information from this study of interest is:

1. A wide range in expenditure per TWADA pupil still exists and would continue to exist if the personal property tax were repealed. This range is to be found along regional lines, as well as among community typologies.

2. If an alternative tax is imposed to replace the revenue lost, the tax should be strictly governed so that it would not change the competitive advantage of Illinois industries.

In summation, given the present laws, it appears that school districts will have unreplaced revenue for only one of three reasons. First, if the school district has an operating tax rate higher than the qualifying tax rate in the resource equalizer formula; second, if the assessed valuation per pupil is higher than the guaranteed minimum in the resource equalizer; and third, if the district is receiving aid under the foundation formula, then the portion of the revenue lost because of these conditions will not be replaced without changes in the current law.

## Summary Recommendations of the Citizens Commission on School Finance

In February 1976 the State Board of Education created the Citizens Commission on School Finance. The Commission was instructed to submit a report with findings and with financial proposals for the next several years.

This summary was written after the final meeting of the Commission, but prior to the final report's publication.* Although the information reported here is substantially what was decided, this summary should be used only to suggest areas and general directions. The major recommendations that, if accepted, will most affect legislation in the years ahead are:

1. That the Resource Equalizer be adjusted to more adequately guarantee an amount of money needed to adequately educate each student. The Citizens Commission's recommendation was that the State Board

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*The Citizens Commission report will be available from the Illinois Office of Education, 100 North First Street, Springfield, Illinois 62777.

designate a minimum amount, assuming adequate local tax effort (maximum for full participation), to be guaranteed through the Resource Equalizer formula that would adjust through time to the amount spent per pupil for the district in which the student lived that was ranked by expenditure at the 75th percentile.

2. That the state move to put all districts on a single formula, the Resource Equalizer, with a possible retention of some type of general (or flat grant) aid. Once a school district adopts the Resource Equalizer approach, however, there should be no reversion to the Strayer-Haig formula.

3. As soon as past experience can be analyzed to determine cost differentials, the state should begin consolidating categorical aid programs in the Resource Equalizer wherever practical.

4. The state should adopt a definition of pupil eligibility for funding under the state's compensatory educational program for low-income students that will enable districts to identify precisely the eligible pupils. Unless the amount involved is negligible, funds for compensatory education should be spent for the direct benefit of eligible pupils.

5. That all boards of education be permitted to increase local property taxes to the extent required to gain full access to state funds under the Resource Equalizer without a referendum.

6. That unit districts be permitted to levy up to .24% for transportation which is the tax level allowed for areas organized as dual districts. This would prevent areas that consolidate elementary and secondary districts from giving up half of their power to tax for transportation.

7. That the state provide a plan that if by September 1 in any year the General Assembly has not appropriated for the current school year the full amount of state aid determined under the statutory formulas, then each school district, upon resolution of its board, should be authorized to replace, without regard to statutory tax rate maxima and without referendum, all or part of the deficiency with additional tax revenues levied against property within the district.

8. That incentives be provided for local districts to reorganize when they were below the sizes of: elementary 800, high schools 400, and units 1,200.

The exception to the above size would be made when it would require students to travel for more than one hour to reach school.

9. The planned reduction of the number of educational service regions to 57 by 1979, as required by law, should continue even further. Additionally, the remaining units should be strengthened to provide some services now provided by cooperative arrangements between school districts.

10. The state should require all school districts to evaluate regularly the minimum effectiveness of programs in reading, writing, mathematics, citizenship and consumer skills. Beyond this minimum, the state should assist local school boards to set unique or higher goals on a voluntary basis.

11. The state should establish a commission to study retirement policies and pension funding for educational personnel. Among subjects which require review are: (a) mandatory retirement of teachers at age 65, (b) a one-time early retirement offer to teachers, (c) modifications of the retirement formula, (d) state funding of teachers' pensions, and (e) the proper level of unfunded liability.

12. The state should provide for the reduction of fund categories from the present 19 to three: general fund, activities and equipment fund, and debt service fund.

13. Substantial local control of schools should be retained. It was noted that no feasible alternative to the property tax as the major source of local funding is in sight.

Many other recommendations with both long and short-range implications are discussed in the full report that need to be studied by the School Problems Commission. Significant dissents were filed which need to be considered as these issues are studied in the years ahead.

Technical Task Force on School Finance

A technical task force was created simultaneously with the Citizens Commission on School Finance. This task force was to examine the technical aspects of funding the schools. Although no final report has been made, many specific studies have been and are being made for use by those concerned with specific aspects of Illinois finance. This task force is continuing; therefore, there is only a listing of the studies that have been and are being conducted by this group. Copies of the completed reports are currently available in limited number from the Illinois Office of Education.

## Completed Papers

Ellsworth, David, "Early Retirement: A Policy Option Raised by Declining Enrollments"

Lindberg, Walter F. of Haskins and Sells, "State Revenue for Education"

Hickrod, G. Alan and Ben C. Hubbard, "The Concept of Fiscal Effort in the Illinois General Purpose Educational Grant-In-Aid Program: Some Legal and Measurement Problems"

Hou, J. Dan and Warren B. Carson, "Various Income-Weighted Operating Tax Rates and Illinois State Aid to Education"

Hou, J. Dan, "Effects of Various Income Weightings on the Distribution of Illinois State Aid to Education"

Illinois Financial Accounting Committee, "School Business Management Position Paper"

McLure, William P., "Measures of Educational Need"

McMahon, Walter W. and Carroll Melton, "A Cost-of-Living Index for Illinois Counties and School Districts"

Scott, Maurice W., Chairman, "Report of the Revenue Subcommittee"

Yang, Thomas Wei-Chi and Ramesh Chaudhari, "A Study of the Relationship Between Selected Socioeconomic Variables and Local Tax Effort to Support Public Schools in Illinois"

## Papers in Process

Burnham, Robert A., "A Study of Capital Outlay Needs for Illinois Public Schools, 1978-1982"

Hanes, Carol E., "An Efficiency-Oriented Transportation Funding Technique"

Hanes, Carol E., "Comparison of the Wealth of Illinois School Districts"

Hanes, Carol E., "Composite Indices of Wealth for Illinois School Districts"

Hanes, Carol E. and Ross Hodel, "Deficit Financing of Illinois Public Schools"

McMahon, Walter W., "Refinement of the Cost-of-Living Index for Illinois School Districts and Applications to Measures of Wealth and Effort"

Slater, James L., "Impact of Federal Aid on Financing of Illinois Public Schools"

## Special Education Subcommittee

As discussed earlier, Illinois has maintained a leadership role in providing services for children with special needs. The School Problems Commission was already embarked on a long term approach to resolving special education matters when P.L. 94-142, commonly called The Education of the Handicapped Act, was signed into law in November 1975.

The Commission, through its Special Education Subcommittee, undertook a complete examination of the federal legislation along with a review of Article 14 and related sections of the School Code. The impact of P.L. 94-142 on Illinois is profound. An assessment of this impact and the planning for the necessary changes to comply with the Federal guidelines were substantial tasks that could only be completed in the limited time available by drawing on the expertise of a great many individuals. The Illinois Office of Education staff was heavily involved in the work of this Subcommittee, and their cooperation is gratefully acknowledged. Experts from across the State worked on all three Task Forces as stated in the preceding chapter. The Subcommittee extends its thanks to all of the people who gave so freely of their time and effort. Members of the Subcommittee are especially appreciative of the fine work and unflagging enthusiasm of Mrs. Elaine Hirsch who served as Staff Assistant to the Subcommittee and the three Task Forces. This final Subcommittee report is based largely on the several reports and documents Mrs. Hirsch prepared earlier.

Three Task Forces were formed by the Special Education Subcommittee and each undertook a different area of review. Task Force A, chaired by Senator Arthur L. Berman, made a comparison study of P.L. 94-142 and The School Code of Illinois from a legislative standpoint. Task Force B, chaired by Representative Gene Hoffman, examined funding patterns, teacher certification, de-categorization of handicapped children, and data information systems. Task Force C, chaired by Superintendent Joseph Cronin, dealt with inter-agency cooperation and the organizational structure of special education delivery systems. State education agencies are given the responsibility, under P.L. 94-142 for supervision of all education programs for handicapped children.

The task force investigations began in June 1976 when all three groups were convened. The separate Task Force Reports will form the basis for reporting the Subcommittee's activities.

### Task Force A

The members of this Task Force, chaired by Senator Berman, examined P.L. 94-142 from a statutory perspective and compared its features with Illinois Statutes.

Procedure. Ms. Julia Dempsey and Mr. Gary Kerr of the Illinois Office of Education completed a comparative analysis that matched the new Federal law and Illinois law on an item-by-item basis. (A summary

of this comparison upon which most of Task Force A's work hinged is provided as Appendix A to this report.) Any discrepancies were noted and addressed by proposing legislative and/or administrative changes. Sixteen recommendations for changes were made by Task Force A.

The concept of free and appropriate education for all children, regardless of their disability, in the least restrictive environment meant that certain exclusionary language had to be removed from existing statutes. The Federal Guidelines for Implementing P.L. 94-142 also contained a great many administrative and due process requirements.

Special Education Subcommittee Recommendations (A). Recommendations made by Task Force A and endorsed by the Special Education Subcommittee are listed in the summary table below. Each recommendation is identified by the Senate Bill number which was assigned to the legislative bills introduced by Senator Arthur Berman and others of the Senate Education Committee. Also shown in the table are the various sections of P.L. 94-142 which precipitated the change, the Illinois Statute paragraphs to be amended or added, and a page reference to Appendix A which compares the applicable sections of the Federal and Illinois statutes.

SUMMARY OF SPECIAL EDUCATION SUBCOMMITTEE RECOMMENDATIONS
(pertaining to Task Force A findings)

| Senate Bill # | IT IS RECOMMENDED THAT: | P.L. 94-142 Sections | School Code Sections | Appendix A page Ref. |
|---|---|---|---|---|
| 385 | An annual special education census be required by the State Board of Education of all children age 3 through 21 receiving special education services on October 1 and February 1 of each year. | 611(a)(1) | 2-3.30<br>3-15.11 | 48 |
| 386 | Technical reference changes to be made to create a new section for due process and procedural statutes. Language on hearing appeals moved to section on evaluation and placement of children. | — | 2-3.38 | — |
| 387 | Regional superintendents be required to take an annual census of handicapped children receiving services and to recommend to school boards needed programs. | 611(a)(1) | 3-15.11 | 48 |
| 388 | Districts accept handicapped nonpublic school pupils on a part-time basis. | 612(1),<br>612(2)(c)<br>613(a)(4)(B) | 10-20.24 | 48 |

| Senate Bill # | IT IS RECOMMENDED THAT: | P.L. 94-142 Sections | School Code Sections | Appendix A Page Ref. |
|---|---|---|---|---|
| 389 | Pre-school children be defined as those below the age of 3 and the provision that no tax monies be used for their education be deleted. | 612(1), 612(2)(B), 612(2)(C), 613(a)(4)(B) | 10-22.38 | 48-49 |
| 390 | Due process provisions be transferred to a new section for clarity. | 615(b) through 615(c) | 10-22.41 | 49-52 |
| 391 | Exclusionary language be deleted and establish the rights of an emotionally maladjusted child to a special education. | 612(1) | 14-1.03 | 53-54 |
| 392 | Same as 391 for mentally handicapped child. | 612(1) | 14-1.05 | 54 |
| 393 | Special education facilities and services include medical services for diagnosis and evaluation. | 4(a)(17) | 14-1.08 | 54 |
| 394 | School boards accept in part-time attendance handicapped children enrolled in nonpublic schools. Requests for attendance shall go only to school districts in which the child resides. | 612(1), 612(2)(C), 613(a)(4)(B) | 14-6.01 | 48 |
| 395 | Reimbursement of tuition costs and costs of related services for children in private special education facilities not exceed $2,500 unless costs are approved by a Rate Review Board of Illinois Office of Education. Reimbursement shall be reduced by other public or private aid received by child or parent. Placement in a special education facility shall be at no cost to parent or guardian. | Same as above | 14-7.02 | 55 |
| 396 | State Board of Education supervise all educational programs for handicapped children, including those administered by other State agencies. Programs be evaluated annually to determine their effectiveness. New statutory section be | 615(b) through 615(e), 612(7), 613(a)(11), 612(b)(1)(A,B) | 14-8.01 14-8.02 | 49-52, 55-56, 58 |

| Senate Bill # | IT IS RECOMMENDED THAT: | P.L. 94-142 Sections | School Code Sections | Appendix A Page Ref. |
|---|---|---|---|---|
| | created to cover due process and procedures for testing, placement, evaluation, appeals, hearings, and surrogate parents. | | | |
| 397 | After 7/1/78 persons newly employed to teach handicapped in nonpublic facilities must hold a valid certificate and meet training requirements of Article 21. A grandfather clause be provided for continuing professional positions. | 612(6) and 613(a)(3) | 14-9.01 | 56 |
| 398 | School boards be empowered to place eligible children in appropriate programs for the handicapped. | | 14-4.01 | — |
| 399 | Services to handicapped children be extended to include hospital and home care. Special education salary reimbursement be corrected (increased) to not more than $1,250 per pupil. | 4(a)(16) | 14-13.01 | 57 |
| 400 | Qualifications for certification after 7/1/78 apply to teachers of handicapped first employed by a nonpublic school, private special education facility, or in county or state programs. | 612(6), 613(a)(3) | 21.1 | 58 |

Task Force B

Task Force B's major charge was the responsibility of reviewing Public Law 94-142 and special education in Illinois regarding "labeling" children, personnel certification, data needs, and finances. The charge was further delineated by the participating task force members with the leadership of Rep. Gene L. Hoffman.

Since Illinois has had a long and proud history in terms of providing special education services to its citizens, Task Force B members chose to align federal law, state statute and current professional directions to assure that Illinois would comply with the federal act.

Present Categories of Exceptionality. Present categories developed one by one over time, with the early emphasis on obvious cases of severe mental retardation, incapacitating emotional disturbance, and sensory impairments. With the advent of compulsory schooling and increased complexity in society, milder conditions or situations were considered handicapping, and the spectrum expanded through acceptance of the category of learning disabilities. Throughout this expansion of special education, a child-centered "disease" model was used in defining children to be served. It is this disease orientation, implying that the root of all special education problems can be traced to a condition in the child, which has been under severe attack over the past ten years.

The Council for Exceptional Children has recommended that "each state carefully reexamine its present system of defining and classifying children to ascertain if the system stigmatizes children beyond that which is necessary, and whether the system is related to the educational needs of the child."

While no one seems to argue that labeling is good for children per se, some positive aspects have been cited in the literature. Briefly, they are: (1) labels may provide a description of a physical condition which has important educational implications (i.e., hearing or vision impairments); (2) categories and prevalence figures may provide a basis for determining the numbers of children needing special education services; (3) categories may provide a method for fiscal and child accountability (i.e., the "Exceptional Child Analysis"); and (4) categories provide a rallying point for securing support for special education programs.

Need For a New Identification System. Although the traditional categories have been defended (see above), a number of difficult questions have been raised, particularly from an instructional point of view, regarding the need for them. These arguments can be summarized as follows: (1) existing labels invite overgeneralizations concerning individual children; (2) considerable difficulty has been encountered in adequately defining certain categories, particularly learning disabilities and social/emotional disorders; (3) substantial evidence exists that use of intelligence testing to identify children as educably mentally handicapped introduces racial and socioeconomic bias into the identification

process; (4) by defining the problem as "in the child," present systems deny the myriad of other factors which can account for performance problems which require specialized services; (5) present labels remove the "burden of proof" for children's learning from school personnel, by providing unalterable conditions within the child as reasons for repeated failure; (6) using the present categories, planning for instruction occurs as a process separate from identification of the child for special education services; (7) present categories too often become permanent attachments to a child; and (8) current categories separate special education from regular education by focusing on the complexities which might underlie the problem. The present categorization systems for special education leave much to be desired, and new systems for denoting services and the children who need them should be developed.

The recommended emphasis is not on a totally noncategorical system but rather that we must be more generic in the categories which we use and less focused on diagnosis of the problem "in the child." The primary emphasis should be on a functional analysis of the educational needs of children and services necessary to meet those needs, with a minimum of stigma involved in identifying or providing these services.

A number of states have developed alternatives to the traditional model of identifying categories of handicap. For example, Massachusetts, Maryland and Vermont have developed laws that deemphasize or eliminate references to traditional categories. These revised state laws include detailed explanations on the procedures to be followed in the identification, evaluation and placement of exceptional children. There are a number of attempts to move away from labeling the child and toward labeling of special education programs. This movement toward program description in state law is consistent with the decategorization efforts that have begun in the school programs around the country in the past ten years. These decategorization efforts in the schools have been referred to as attempts to define special education training and service programs more in terms of the degree and method of instructional intervention students require and less in terms of their particular categorical label.

Recommendations for a Child Identification Structure. It is the recommendation of this Task Force that the special education categories currently used for planning and reimbursement in Illinois be revised, to be more generic and less stigmatizing to children who require special education. Further, it is proposed that special education be conceptualized on two dimensions, the first taking into account the types of educational problems the students have which require special education and the second dimension being the level (or intensity) of services students require. Using a new, more generic, set of categorical designations, and combining these with an emphasis on the levels of special education needed to address individual student needs, the following grid would serve as the basic identification/organizational structure of special education in Illinois.

SERVICE INTENSITY

| SERVICE AREA | Resource Service | Special Class | Special School | Residential Placement |
|---|---|---|---|---|
| Learning and Behavior Problems | | | | |
| Moderate and Severe Handicaps | | | | |
| Visual Limitation | | | | |
| Hearing Limitation | | | | |
| Deaf/Blind | | | | |
| Speech and Language Impairment | | | | |

1. Delineation of Terms. For purposes of clarity in relating the proposed scheme to the one presently in use in Illinois, the rows and columns of the grid would be delineated as follows:

a. Learning and Behavior Problems—This represents a consolidation of the existing statutory categories of educable mentally handicapped (EMH), learning disabilities (LD), madadjusted (as represented by behavior disorders programs (BD) in the public schools), and physical handicaps which do not involve mental impairment. In terms of other categories used for certification and reporting purposes, the areas would also include mild social/emotional disorders and behavior disorders.

b. Moderate and Severe Handicaps—This represents consolidation of the areas of trainable mentally handicapped (TMH) and severe maladjustment or social/emotional disorders. Also, physical handicaps which coexist with mental impairment and create multiple handicaps would be included herein, as would the newly emerging area of severely and profoundly handicapped.

c. The areas of visual impairment, hearing impairment, and deaf/blind would be added to The School Code of Illinois. The use of these categories in special education planning and reimbursement would reflect present practice.

2. Service Intensity. (a) Resource service refers to special education services in which the child spend 50% or more of his or her day in a regular classroom. (b) Special class refers to special education which occurs primarily in a regular school with nonhandicapped peers, and requires that the child spend 50% or more of his or her school day outside the regular classroom. (c) Special school refers to special education which occurs primarily in a building which houses only special education programs. (d) Residential school refers to special education which requires that a child live away from his or her home for the purpose of schooling, and specifically covers cases in which the residential placement is made upon the recommendation of school district officials.

Present Funding System and Need for Change. Illinois' current special education funding structure has developed over the past several years. Many studies and task force efforts have been conducted regarding this topic. The system is currently categorical in nature and not based on established excess costs. The task force members, in discussing the current system as well as any proposed systems, stated several basic assumptions. These assumptions underlying a model funding system are: (1) new patterns should be less categorical and demand less labeling of children than is necessary in the present system; (2) state support of special education should be determined by the interaction between severity of the presenting problems and level of service required to meet the child's educational needs; (3) state support should be based on needed services as determined by written individual educational programs; (4) formulae for state support should be constructed to reflect full differential between average per pupil expenditure and approved special education costs; (5) the basis for determining weighting factors in the support system should be: (a) the recommended pupil-teacher ratio for a given type of service, (b) empirically determined, and (c) updated periodically; (6) new systems must not provide financial incentive for more restrictive child placements or "stuffing" of classes; (7) there should be a uniform cost accounting system; and (8) assurance that information is available locally to audit the individual educational programs on which funding is based.

Proposal for Organizing and Funding Special Education. Consistent with the recommendations for a new identification structure (see grid above), a new system would focus on both the problems to be dealt with in special education as well as the levels of service intensity needed to address these problems. The exact designations to be used for each of the dimensions on the grid should be subject to substantial discussion and input, since this grid would serve as the basis for the entire state support system at some as yet unspecified date. Discussions around this issue did occur in the task force meetings and are delineated in the papers presented to the task force. State support for special education transportation should be maintained as a separate system, since the necessary wide variance in transportation costs would result in severe inequities using the funding system outlined above.

Data Systems. Public Law 94-142 makes certain data demands on Illinois. One example of this would be the "Exceptional Child Analysis" (IOE form 19-80). In recognition of the impending demands, the Illinois Office of Education has awarded a contract via "the request for proposal" method to School Management Institute, Inc., to analyze the need and develop strategies for resolution of data concerns. The agency has also a Data Coordination Council in recognition of this need for coordination and management of data in coordination with local school districts as well as other agencies.

Personnel Certification. As special education categories are being reviewed and legislative changes being considered, it follows that

the present categories of personnel teaching in special education programs may additionally require changes in certification and in teacher education programs. While special education categories, particularly as they relate to funding, will require legislative changes, no legislative changes are required to implement new certification requirements or teacher education program requirements. The certification article in The School Code of Illinois provides a sufficient number of certificates for which requirements can be developed through the rule-making authority granted the State Board of Education to adapt to any new special education categories.

At such time as the special education categories are decided upon through legislative change, the certification department staff of the Illinois Office of Education will begin the process of developing new requirements from whatever new categories emerge. Included in that process will be a review of the new categories compared with the previous categories (similar to the delineation of terms above), and a conversion chart will be developed so that individuals presently employed will be eligible for certain types of employment under the new categories by virtue of having been licensed at an earlier time.

In the development of new requirements, the State Teacher Certification Board will consider proposed requirement changes and will recommend them to the State Board of Education only after the appropriate publics involved have participated in the process of recommending certification requirements and identifying the scope of curriculum to be included in teacher education programs. Existing special education advisory councils composed of community personnel, school personnel and higher education personnel will be utilized in the development of requirement changes.

Special Education Subcommittee Recommendations (B). The following recommendations pertain to Task Force B findings. It is recommended that:

1. Broader generic categories of special education be adopted in Illinois statutes, encompassing current definitions as well as expanded areas (visual impairment, hearing impairment, deaf/blind and the severely handicapped population).

2. The Illinois Office of Education develop rules for certification of personnel consistent with the revised service areas for child services.

3. Special education funding continue to follow the existing system while data is gathered regarding the new categorization.

4. The Illinois Office of Education institute several pilot studies to obtain (a) cost data on excess cost and (b) information for the proposed service area/service intensity grid.

Following the School Problems Commission's unanimous support of the above recommendations on March 15, 1977, legislation was drafted and introduced by Senator Berman to accomplish Recommendations 1 and 2 with an amendment to SB 391. The amendment proposes to replace Chapter 122, Sections 14-1.02 through 14-1.07 with sections 14-1.11 through 14-1.16.

Task Force C

Task Force C, chaired by Dr. Joseph M. Cronin, had as its charge the responsibility of analyzing Public Law 94-142 regarding interagency cooperation for services to exceptional individuals; the supervision of education of all handicapped children and the monitoring of that process; and the regionalization of education services for children with exceptional needs. Parameters of that charge were established by task force members after an indepth review of the Federal act. The Task Force members (whose names are listed in Chapter II) met over a period of several months to deliberate these issues. Their conclusions are presented in this report.

Agency Responsibility for Supervising All Special Education. The Education of All Handicapped Children Act (P.L. 94-142) requires that all handicapped children be provided with a free, appropriate public education. It further requires that the State Education Agency (SEA) *"be responsible for assuring that the requirements of this part* [the State Plan] *are carried out and that all educational programs for handicapped children within the state, including all such programs administered by another state or local agency, will be under the general supervision of the persons responsible for educational standards of the SEA."* Rates, fee structures, rules and reporting systems vary among state agencies. In Illinois, about six state agencies currently are providing educational and related services to handicapped children.

Current Situation According to Illinois Statutes. While some of the agencies have specific responsibilities for the provision of special education services as determined by Illinois statutes and regulations governing the provision of special education services, others do not. Additionally, the rules and regulations of one agency or department may duplicate, overlap or conflict with those of another. The resultant effect is that a handicapped child may be guaranteed certain rights and educational programs if served by one agency, but denied these same rights and services if served by another.

Currently, the State Board of Education has responsibility for local school district, joint agreement, and regional programs serving 219,777 handicapped children, including 8,134 children in private school placement pursuant to Article 14-7.02 of The School Code of Illinois.

The Department of Mental Health and Developmental Disabilities and the Department of Children and Family Services conduct specialized

educational programs in twenty four (24) state schools or residential centers (i.e., the Illinois Braille and Sight Saving School in Jacksonville, and the Lincoln Developmental Center in Lincoln) with full budget and personnel responsibilities. The Department of Children and Family Services also places children who are wards of the state in private settings within and outside of Illinois.

The Division of Vocational Rehabilitation provides federal funds for those children and adults in need of habilitative and rehabilitative education, in order to overcome severe handicaps, illnesses and accidents. The order of selection for services is: (1) severely disabled; (2) nonseverely disabled. The "SWEP" program (secondary work experience program) is an "organized" program of rehabilitative services offered in combination with special education services. Rehabilitation services are provided within a school setting through terms stated in a Purchase of Services Agreement and implemented on a "partnership" basis with local educational agencies.

The Department of Corrections provides general educational services for its under 21 clientele. Such services are not differentiated for their residents with exceptional educational needs.

The Division of Services for Crippled Children, part of the University of Illinois system, provides related services to hearing impaired and physically handicapped children. These supportive services are mainly diagnostic and medical in nature.

The Illinois Department of Public Health, via both the Maternal and Child Health Unit and the Family Health Section, relates to identification and child-finding services for high-risk children plus vision and hearing screening child services with local school districts.

The Illinois Department of Public Aid pays for supportive and supplemental services in education. Examples of such services would be child day care payments or transportation reimbursement for parents attending school.

No one agency certifies all the teachers, develops a total plan or monitors the quality of services or programs. Each of these agencies now struggles to secure enough state and federal funds for handicapped children. Many private providers need to negotiate with several agencies each having a different set of rules regarding fees, clients, standards, reports, etc. No body of government now moderates or mediates interagency conflicts.

Facts concerning agency services are given in the Summary on the following page.

Options for Interagency Cooperation. Several alternatives are possible:

1. The Bureau of the Budget could provide budgetary guidelines on the issues of services, funding and comparability of plans.

SUMMARY OF AGENCY SERVICES TO HANDICAPPED CHILDREN IN ILLINOIS

| Agency | Handicapped Children Served | Educational Budget |
|---|---|---|
| Department of Mental Health/ Developmental Disabilities | 21,000 residents under age 18 in 21 facilities | |
| State Board of Education/ Illinois Office of Education | 219,777 children by the October 1, 1976 child count<br>8,134 children in private placements | FY 77: $168,000,000 (state and federal funds) |
| Department of Children and Family Services | Illinois Braille & Sight Saving School: 150<br>Illinois School for the Deaf: 460<br>Illinois Childrens Hospital School: 97<br>foster homes: 8,311*<br>group homes: 377*<br>residential programs: 2,299*<br>(10 or more children) | FY 76: $ 1,942,075<br>FY 76: $ 3,806,392<br>FY 76: $ 2,400,125<br>no specific monies attached |
| Division of Services for Crippled Children | 29,000 | no budget for "education" since these are related services only |
| Department of Corrections | ** | no monies for specialized educational services for 'handicapped' students |
| Division of Vocational Rehabilitation | 138 agreements covering 499 school districts plus state and private agencies***<br>DVR clients as reported by SWEP vendors (1976-76): 5,864<br>SWEP "EVER" clients (1/31/77): 8,452 | For defined rehabilitation services: FY 76: $1,370,785<br>approximate total: $2,098,634 |

*Some but not all of these children are handicapped. 2,698 children are qualified either under Articles 14-7.03 or 18-3.
**No handicapped identified
***With the exception of four (4) programs in Chicago, these figures do not include the Chicago District #299.

2. The State Board of Education could provide direction on all education-related matters. Their responsibility for medical services and care and custody, as well as certain other related services, would be questioned.

3. The Governor or Lieutenant Governor could chair an interagency council on human services which could handle issues as well as link adult and child services together.

Recommendations for Interagency Cooperation. Several solutions could be enacted, either by legislation and/or executive order, to address these concerns.

Responding to Option #1 a single rate review board, similar to the Rate Review Board currently in operation or the Purchase of Services Board proposed by the Planning Consortium, should review and set maximum rates for human and educational services wherever provided. Such a non-partisan body appointed by the Governor should be empowered to set limits on state reimbursements to any private provider after a comprehensive review of the costs. An appeal and review process for providers should be guaranteed.

Option #2 is not viewed as viable at this time due to the designated responsibilities of the State Board of Education solely for education.

Regarding Option #3, the Governor or designee should convene, four times a year, a Human Services Coordination Committee composed of at least the seven directors of the appropriate state agencies plus the State Superintendent of Education. The committee, to address the concerns of P.L. 94-142, should focus on at least the following items: awareness, identification, diagnostics, services, and reevaluation. The committee shall review appropriate plans and refer interagency disputes for discussion or resolution.

The State Superintendent of Education or designee should chair an Education Services Council composed of administrators of educational programs within state government, plus two public members, in order to coordinate educational services and plans among agencies and between the public and private sectors. This council shall convene at least twice a year, and monthly if necessary. The charge of the council shall be communicated clearly to the educational community in Illinois. It shall negotiate interagency agreements and exchange information as needed. It will report annually to the State Board of Education and the Human Services Coordination Committee regarding problems and accomplishments.

The Human Services Coordination Committee should also designate regional councils to assume parallel functions at the regional level as needed. Where possible, an existing committee dealing with human services should assume this responsibility (plus additional representatives

as needed) to deal with educational issues or with subcommittees to work on local and regional interagency problems. Such a regional committee shall report annually to the Human Services Coordination Committee regarding problems, accomplishments, and issues of statewide concern.

Options for Supervision of All Educational Programs. Several options are feasible for the supervision of all educational programs for handicapped children in compliance with P.L. 94-142:

1. The State Board of Education/Illinois Office of Education could operate the total human services aspect of the state-supported schools currently operated by other state agencies.

2. The State Board of Education/Illinois Office of Education could operate (staff, budget, finance) only the educational services of the state-supported schools currently operated by other state agencies.

3. The State Board of Education/Illinois Office of Education could provide instructional services through the LEA (or its service agents) in which the institution is located, pursuant to Article 14 of The School Code of Illinois, on a principle similar to that of Article 14-7.03 programming.

4. The State Board of Education/Illinois Office of Education could continue to rely on other state and private agencies to conduct programs but would certify staffs and programs (state-supported schools, public, private and parochial schools), cooperatively establish minimum standards through regulations, and monitor and evaluate programs. All applicable state and federal grants should be assigned on a grant basis by the Illinois Office of Education to these agencies.

Recommendations for Supervision. These concerns could be addressed by legislation, executive order or administrative commitment for implementation.

Option #1 is not perceived as a viable option because it would require the State Board of Education to provide all human services, including care and custody, for those handicapped individuals. The statutory focus of the board is educational services. Additionally, they have objected to operating facilities directly, as noted with the precedent of the Illinois deaf/blind school. The principal mission is viewed as setting standards, recommending and paying funds, and evaluating schools.

Nor is option #2 viewed as viable. Past experiences have demonstrated it is difficult to separate educational services out from the

total management of institutions. State line item budgets are vulnerable to cuts, staffing freezes or other interruptions of the fiscal process that could effect services to children.

The concepts of options #3 and 4 are viewed as viable when seen in a phase-in process. This would be a two step procedure: (1) 1978-80; (2) 1980 and beyond. By September 1, 1978, the State Board of Education/Illinois Office of Education should, by statute, implement option #4. No student should be in a program that is not certified or approved by the SEA. A cycle of visits shall be established. Staff currently in state-supported schools may be certified, evaluated, and, as necessary, protected by a "grandfather" clause if employed prior to July 1, 1978. Employees hired after that date shall meet special education standards of certification in effect when hired. By September 1, 1980, the State Board of Education/Illinois Office of Education shall have implemented both option #3 as well as #4. Option #4 will be subsumed by option #3 plus having the addition of certain new elements as specified.

By September 1, 1982, the State Board of Education shall review the network of state agency services and submit an evaluation with recommendations to the Governor and the General Assembly.

Monitoring. The Illinois Office of Education, in accordance with Article 14 of The School Code of Illinois, shall develop and implement a system of monitoring which will assure that each Illinois resident age 3-21 in need of specialized educational services shall receive a free, appropriate, public education. Such a system shall include, but not be limited to, the following components:

1. Assurance of a complete, annual Individual Educational Program for every child
2. Review and approval/disapproval of P.L. 94-142 plans/comprehensive plans/county-regional plans (including children in and out of school)
3. Annual/cyclical program audits of nonpublic, public and state-operated facilities providing specialized educational services for the purposes of:

    a. assuring compliance with regulations
    b. assuring compliance with plans in #2 above
    c. providing specialized technical assistance

4. Annual/cyclical financial audits
5. Developing standards/guidelines for each program area
6. Interfacing the audits/compliance system assurances with a series of positive/negative approvals/recognition statutes.

These systems must be supported, programmatically as well as managerially, by the State Board of Education and the Illinois Office of Education, in order to be viable. Staff, in sufficient quantity and with appropriate skills, must be available to implement this or any other similar system.

Regionalization. The task force members received and reviewed the report to the Illinois Office of Education by Dr. E. Robert Stephens, A Proposal for the Implementation of the Illinois Delivery System for Elementary, Secondary, and Adult Education. While the concept is viewed in a positive fashion, consensus was expressed as to the need to extend the planning processes.

Special Education Subcommittee Recommendations (C). Task Force C's recommendations as endorsed by the Special Education Subcommittee were as follows:

It is recommended that—

1. A Rate Review Board be created for establishment of uniform rates and purchases of services.

2. A Human Services Coordination Committee and Education Services Council be convened to facilitate coordination and communication.

3. The State Board of Education/Illinois Office of Education supervise all educational services for all handicapped individuals ages 3-21 by 1980.

4. The State Board of Education continue to rely on other state and private agencies to conduct programs for children with exceptional educational needs but certify staffs and programs, cooperatively establish minimum standards through regulations, and monitor and evaluate programs. All applicable state and federal grants should be assigned on a grant basis by the Illinois Office of Education to these agencies by September 1, 1978.

5. The Illinois Office of Education provide, by September 1, 1980, in addition to #4 above, instructional services through the LEA (or its service agents) in which the institution is located.

6. The network of state agency services be reviewed and an evaluation submitted with recommendations to the Governor and General Assembly.

7. A system of monitoring be developed and implemented which will assure that each Illinois resident, ages 3-21, who is in need of specialized educational services, shall receive a free, appropriate public education.

8. The planning period and process regarding regional educational services be expanded as it relates to individuals with exceptional educational needs.

The School Problems Commission on March 8, 1977, voted unanimously in support of the above concepts, excluding item 8. Item 1 is provided for in SB 395; item 3 is embodied in SB 396; and SB 612 provides $75,000 to the School Problems Commission for studying, monitoring, and evaluating special education services and programs.

## Truancy Subcommittee

This Subcommittee, under the leadership of Mrs. Norella Welch, joined with a similar committee operating under the auspices of the Illinois Office of Education and adopted the designation of The Joint Committee on Truancy and Student Discipline.

### Procedure

The committee, concerned about the extent and scope of the truancy problem, determined that it would be more efficient to concentrate on that issue separate from the issues of delinquency and vandalism. Truancy was considered to be of sufficient import to necessitate a separate study.

There were two major activities undertaken by the committee in its effort to obtain as much information as possible about truancy problems in the State of Illinois.

Statewide Hearings. Public hearings were held in September and October in Chicago, East St. Louis and Carbondale. A total of 47 persons offered oral testimony, and written testimony was received at all the hearings from those unable to attend. Those testifying were the people who deal with truancy at the "grass roots" level—school administrators, school personnel, social service agencies, law enforcement representatives, and the PTA.

Survey. The second major thrust of the committee was to design a survey which would attempt to obtain hard data on the definition and procedures used by school districts in responding to truant behavior. It was felt that this information which was not available from any other sources, would prove extremely useful to the committee in making recommendations which might effect the process at the local level. With the cooperation of the Research and Statistics Section of the Illinois Office of Education, the survey gathered data from public school districts and nonpublic high schools in Illinois. A summary of the final report of the survey is included as Appendix B to this Commission report since it contains significant information on truant behavior and responses to such behavior.

Staff and members of the committee also interviewed or met with school and law enforcement personnel at local, regional and state levels. Existing research relating to truancy was made available for committee use.

Truancy Subcommittee Recommendations

The committee compiled the information obtained from public hearings, meetings and personal interviews, existing research, and the preliminary report of its survey. After examination and review of its findings, the committee made the following recommendations to the School Problems Commission for its consideration. Further study of the final report of the survey may result in additional recommendations.

1. Definition of truant and chronic truant. Amend Chapter 122—Article 26 of the Illinois School Code as follows:

(a) Creation of Article 26-2a—Definition

A truant is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or a portion thereof.

Valid cause for absence shall be established by the board of education of each school district and shall include but not be limited to illness, family emergencies, and other situations beyond the control of the student and/or the parent.

Chronic or habitual truant shall be defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 15 out of 90 school days.

(b) Amend 26-3 to read:

Teachers shall at the opening of school and at other times when required by the county superintendent of schools compare the list with the enrollment of the school and report to the county superintendent of schools the names of persons having custody or control of children included under the provisions of this Article *who are chronic or habitual truants and for whom supportive services, alternative programs, and other school resources have failed to correct the truant behavior, and who therefore* are not in regular attendance at the public school, and the names of such children and their ages, stating in each case, if known, the cause of such absence.

(c) Amend 26-6 to read:

In school districts which employ truant officers the clerk or secretary of the school board shall at the beginning of each school year furnish a copy of the

last school census to the superintendent of schools (or principal teacher) in the district, together with the names and addresses of the truant officers in the district, and the superintendent (or principal teacher) shall compare the census list with the enrollment of the school or schools and, from time to time, report to the proper truant officers the names and addresses of persons having custody or control of children included under the provisions of this Article *who are chronic or habitual truants for whom supportive services, alternative programs, and other school resources have failed to correct the truant behavior,* and who *therefore* are not in regular attendance at public schools and also the names of persons having custody or control of children who are not in regular attendance at school and whose names are not included in the census list.

(d) Add a new section 26-12 to read as follows:

If the provisions and procedures outlined in Sections 26-3 through 26-11 have been followed for the chronic or habitual truant, and the truant behavior of that child continues, the school may remove the child from the attendance rolls for the remainder of the school term under the provisions of Article 10-22.6.

2. Require the Education Service Regions to collect yearly reports from each school district on the incidence of truants and chronic truants.

3. Great concern was expressed by school personnel regarding the lack of support for the compulsory attendance law by those responsible for its enforcement. The following remarks were representative of those expressed at the hearings and in response to the survey.
*"I believe the schools, under current school code, have the powers necessary to enforce attendance. The problem of enforcement lies not in the lack of legislation but in the reluctance of the legal officers of the county to hold parents responsible for student behavior."*
*"The courts have given us negative support. The only time they offer to help is when the truant student has been arrested for some crime."*
*"Feeling from law officers is that they don't want to mess with the problem."*
*"Urge State's Attorneys to expedite hearing following the filing. Long wait makes it possible for students to become legally eligible to drop school."*

The committee believes that some response should be made to this concern. Thought has been given to the possible revision of the enforcement sections of the Compulsory Attendance Law with an end toward aiding in the proper implementation of the enforcement procedures.

4. The committee recommends expansion of Alternative Educational Programs within the public schools. As the School Code and Regulations permit local districts to implement alternatives to the standard educational program, the Illinois Office of Education is encouraged to provide assistance to local districts in formulating and implementing optional programs. Recognizing that there are districts within the state whose size or financial resources prohibit them from responding to certain optional programs, we encourage the formation of cooperative joint agreements for programs that provide alternatives. The committee further encourages categorical funds for programs, grants, possible weighting procedures in school aid formula, and greater use of local district funds to provide alternatives within school districts.

5. The committee feels strongly that alternatives are needed for students exhibiting truant behavior and support continued funding of such programs by the Illinois Office of Education. We recommend that the School Problems Commission review any proposed statutory language for truant alternative programs. The committee supports the concept, but wishes to review such language before making final recommendations.

6. Research clearly supports the thesis that patterns of truancy begin early in the student's school career. The committee recommends that early detection and prevention of truant behavior be prime educational concerns and that there be a demonstration project, using existing research, which would provide indicators and profiles in order to design programs to respond to early prevention of truant behavior.

7. We recommend that the School Problems Commission support legislation to lower the GED minimum age to 18. Should other legislation to further reduce the age at which a person may take this exam be introduced, the committee would support the concept.

The School Problems Commission on March 15, 1977, voted its unanimous approval of Recommendation 1. (a) (b) (c) (d) and supported the concepts recommended in the remaining items. Senator Berman subsequently introduced SB 419 which encompasses the provisions in Recommendation 1, and SB 420 which empowers the State Board of Education to contract within certain limits for the provision of educational services to chronic truants and for the prevention of truancy.

## Educational Administration Subcommittee

Subcommittee Chairman Rep. Gene Hoffman requested an examination of various educational policy issues being discussed in both the popular and educational press, to determine if additional legislation were needed in Illinois. The initial review of topics included:

1. The interrelationship of tenure, certification, professional qualifications, and affirmative action;
2. School integration;
3. Regional and intermediate district reorganization;
4. Collective bargaining;
5. Management of resources and energy conservation; and
6. Accountability through testing, evaluation of tests, and legislative/administrative responses (such as "Back to Basics," and the demonstration of "survival" competency achievement before high school diplomas are awarded).

School purchasing and alternatives in the use of energy were considered to be topics that were adequately addressed by the Illinois Office of Education. Similarly, the Subcommittee felt that collective bargaining and school desegregation were topics that did not require additional legislation for this session.

The group discussed proposed legislation requiring local school districts to evaluate every teacher in the district. The Subcommittee felt that many districts were doing this already, and that it would be best handled on a local option basis rather than through additional mandates.

The Subcommittee also examined the area of district and regional reorganization. While this examination was occurring, sessions were held by the Illinois Office of Education to discuss plans for effective regionalization of services. The committee felt that proposals for intermediate or regional educational service reorganization were not widely supported at that time and decided not to take further action.

The Subcommittee requested Dr. William Young to prepare two position or status papers—one on educational accountability and the other on affirmative action. (Both reports are on file at the School Problems Commission Office.) After a lengthy discussion of the first document, "A Review and Summary of Educational Accountability," it was agreed by the Subcommittee that the Illinois Office of Education had sufficient authority in the area of accountability and that no new legislation was required. The Subcommittee explored the ramifications of affirmative action programs and reductions in force by reviewing the second position paper entitled "Public School Reductions in Force and Affirmative Action: Reconciling Conflicts." This latter report shows that little is known regarding the administration of affirmative action in periods of staff reduction in the public sector, since most court cases report on decisions reached in the private sector. After reviewing the available information, the Subcommittee recommended that the Commission encourage additional research in the area of affirmative action.

APPENDIX A

COMPARISON OF PUBLIC LAW 94-142

and the

ILLINOIS SCHOOL CODE

This brief comparison of P.L. 94-142 with the School Code was prepared by Ms. Julia Quinn Dempsey, Legal Advisor, and by Mr. Gary E. Kerr, Assistant Legal Advisor for the Illinois Office of Education at the request of the Special Education Subcommittee of the School Problems Commission.

The only sections of P.L. 94-142 listed are those which require policies not presently embodied in Illinois statutes. Opposite those sections are the provisions within the School Code which relate to or conflict with excerpts of P.L. 94-142. The recommendations addressed to the Special Education Subcommittee of the Commission call for both legislative and administrative change.

Comparison compiled as of September 9, 1976

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| 2-3.30 Census for Special Education<br><br>—Requires reports of the county superintendent of schools of all types of children described in Article 14-1 on or before June 1, 1962 and every fourth year thereafter.<br><br>Also requires an annual report from the Department of Mental Health/Developmental Disabilities containing the census of the children receiving special education within state mental facilities during the year and attendance figures and per capita expenditures.<br><br>Recommendation:<br>The census required by 94-142 could be accomplished through legislative amendment or IOE rules and regulations. | Section 611(a)(1)<br><br>—In determining entitlements and allocations the following information will be needed:<br><br>1. The number of handicapped children aged three through twenty-one, inclusive, in each state who are receiving special education and related services. 611(a)(1)(A)<br><br>2. "The number of handicapped children receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on October 1 and February 1 of the fiscal year preceeding the fiscal year for which the determination is made." 611(a)(3) |
| 10-20.24 Part-time Attendance<br><br>—Requires school districts "to accept in part-time attendance pupils enrolled in nonpublic schools if there is sufficient space in the public school desired to be attended."<br><br>Recommendation:<br>Legislative amendment needed to eliminate the condition of sufficient space available. | Sections 612(1), 612(2)(C) and 613(a)(4)(B)<br>—Requires the State to have a policy which assures all handicapped children a right to a free appropriate public education without charge. |
| 10-22.31 Joint Agreements<br><br>—School districts can enter into joint agreements/cooperatives to provide special education services.<br>Questions:<br>Are joint agreements/cooperatives the same as an intermediate educational unit? Where does the | Sections 4(a)22, 614(a) and 614 (c)(1) 611(c)(4)<br><br>—When a school district cannot generate sufficient ($7500.00) funds to provide a free appropriate education for all handicapped children, an "intermediate education unit" can be established. |

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| money flow to, LEA, intermediate unit or larger joint agreement? Do LEA's existing in a joint agreement and able to generate funds, have to provide funds to joint agreement? Is this, or can an intermediate educational unit be a regional program on a multi-joint agreement basis? | |
| 10-22.38 Pre-School Children<br><br>—Prohibits use of tax funds for pre-school age handicapped children.<br>Recommendation: Needs clarification. "Pre-school age" should be limited to children below age 3 because Article 14 and 94-142 require services to children ages 3 to 21. | Sections 612(1), 612(2)(B) and (C), and 613(a)(4)(B)<br><br>—Requires the State to have a policy which assures all handicapped children the right to an education between ages 3 to 18 by September 1, 1978, and between ages 3 to 21 by September 1, 1980. |
| 10-22.41 Notice to Parents<br><br>—Requires notice to parents only of the reasons for placement.<br><br>Recommendations:<br>—Expand notice to include all decisions relative to decisions to identify, evaluate or place the child. Perhaps Section 14-8.01, which deals with evaluations, should include a cross reference. | Section 615(b)(1)(C)<br><br>—Requires the State to establish procedures to provide prior written notice to the parents or guardian of the child whenever the agency or unit proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. |
| 10-22.41 Notice to Parents<br>—Does not require notice in the native language.<br><br>Recommendation:<br>—Amendment needed in Section 10-22.41 | Section 615(b)(1)(D)<br>—Requires the State to establish procedures to assure that all notices to parents/guardians concerning their procedural rights are to be "...in the parents' or guardians' native language unless it clearly is not feasible to do so..." 615(b)(1)(D) |

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| 10-22.41 Placement Hearing<br>—Provides parents or guardians an opportunity to have a conference preceding the child's placement. Permits parents/guardians to present professional testimony and additional information supporting the fact that the child may not be eligible for the special education program.<br>Recommendation: Enact a new section in Article 14 which provides due process rights. Amend 10-22.41 to refer to new section in Article 14. | Section 615(b)(2)<br>—Establishes an opportunity for hearing for complaints received under 615(b)(1) as follows: Impartial hearing conducted by the SEA, or LEA or intermediate educational unit as determined by State law or by the SEA. 615(b)(2) |
| 10-22.41 Hearing Officer<br>—No similar statutory provision concerning hearing officers for local hearings.<br>Recommendation: Enact a new section in Article 14 to provide for such a hearing officer to be appointed by IOE per our present regulations. Amend 10-22.41 to refer to the new section in Article 14. | —Hearing officer may not be an employee of the agency/unit involved in the education or care of the child. 615(b)(2) |
| 2-3.38 State Appeals<br>—Provides merely that the Superintendent of Public Instruction (now Superintendent of Education) has the power "to hear and decide appeals under Section 10-22.41."<br>Recommendation: No need for legislation. Rules and regulations can and have established an impartial review with a hearing officer at the State level. | —Any party aggrieved by the findings and decision of the hearing may appeal to the SEA which conducts an impartial review of the hearing. Hearing officer must make an independent decision. 615(c) |
| 10-22.41 Placement Hearing<br>—Does not specify procedural rights except to state that the parents have an opportunity to have a conference at which they may present professional testimony "supporting the fact that the child may not be eligible for the special education program." | Section 615(d)(1) through (4)<br>—Requires the State to establish procedures which provide that any party to any hearing conducted pursuant to 615(b) and (c) shall be accorded:<br>The right to be accompanied and advised by counsel and by individuals with special |

| SCHOOL CODE | P.L. 94-142 |
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| Recommendation:<br>—10-22.41 should be amended to serve as a cross reference to a new section in Article 14 which will specify the procedural right guaranteed by 94-142. Legislation is recommended for two reasons:<br>1. Many educators are openly hostile to IOE for "dictating" on its own these rights through rules and regulations.<br>2. Some procedural rights cannot be conferred by rules and regulations, such as the right to compel attendance of witnesses. | knowledge or training with respect to problems of handicapped children. |
| The new section should not limit testimony as does the existing 10-22.41. | The right to present evidence. |
| The right to cross examine and confront witnesses could be provided by regulations but could also be part of a complete due process statute. | The right to confront/cross examine witnesses. |
| New legislation is needed to give the IOE subpoena power in order to afford parents/guardians the right to compel the attendance of witnesses as provided in 94-142. | The right to compel the attendance of witnesses. |
| School districts may be very reluctant to provide the right to a written or electronic verbatim record of the hearing. Consequently, IOE regulations supported by a statute also conferring such right would probably be preferable. | The right to a written or electronic verbatim record of the hearing. |
| The right to written findings of fact and decisions can be provided by IOE rules and regulations. | The right to written findings of fact and decisions. |
| 10-22.41 and 2-3.38 Placement Decisions<br>—Do not contain similar provisions. Such a transmittal is permissible without parental consent under the Illinois School Records Act which recognizes exceptions to parental consent for information disclosure when such disclosure is required by federal law. However, the number of such decisions at | Section 615(d)(4)<br>—Requires that the findings of fact and decisions of any hearing conducted under Section 615(b) and (c) are to be transmitted to the advisory panel established pursuant to Section 613(a)(12). |

| SCHOOL CODE | P.L. 94-142 |
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| the local and state levels would seem to make it impractical for the State Advisory Council to review all of them. Also, there could be serious problems of the proliferation of confidential information as a result of such transmittal.<br>No similar statutory provisions concerning civil actions involving special education hearings.<br><br>Recommendation: Legislation needed. | Section 615(e)(2)<br>—Provides that:<br>"Any party aggrieved by the findings and decision made under subsection(b) (615(b)-the local hearing) who does not have the right to appeal under subsection (c) (615(c)-appeal to the SEA) and any party aggrieved by the findings and decision under subsection (c) (615(c)-SEA appeal decision), shall have the right to bring a civil action with respect to the complaint presented ...which may be brought in any State court of competent jurisdiction...."<br>"In any court action the court is to receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and shall base its decision on the preponderance of the evidence and grant such relief as appropriate." 615(e)(2) |
| 10-22.41 Procedural Rights<br><br>—No similar statutory provision<br><br>Recommendation: See previous recommendation for a new procedural rights section to be added to Article 14. | Section 615(e)(3)<br>—States that "During the pendency of any proceedings conducted pursuant to (Sec. 615) unless the SEA or LEA and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed." |

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| Least Restrictive Alternative<br><br>—No similar statutory provision<br><br>—14-7.02 allows placement in a nonpublic facility "if because of his handicap the special education program of a district is unable to meet the needs of a child."<br><br>Recommendation:<br>The requirement of 94-142 might be met by IOE rules and regulations. | Section 612(5)(B)<br>—Requires the State to establish: "Procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." |
| 14-1.02 Definition of Physically Handicapped<br>—Defines physically handicapped children as "children other than those with a speech defect, between ages 3 and 21 years who suffer from any physical disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school districts in which they reside and whose intellectual development is such that they are capable of being educated through a modified classroom.<br>Recommendation: It is not clear that the above definition includes deaf and blind students. The special education community does not consider such students as physically handicapped. 14-1.02 should be amended to include these students or two new sections should be drafted. | Section 612(1)<br>—Requires the State to have in effect a policy which "assures that all handicapped children have the right to a free appropriate public education."<br><br>20 U.S.C. 1401<br>—Defines handicapped children to include "hard of hearing," "deaf," and visually handicapped. |
| 14-1.03a Definition of Learning Disabilities<br>—Does not exclude from the definition of "children with learning disabilities" those children | Sections 4(a)(3) and 620(b)(4)(A)<br><br>—States that the definition of "children with specific learning disabilities" "does not include |

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| who have learning problems which are primarily the result of economic or cultural disadvantage.<br>Recommendation:<br>—Consider whether or not the definitions need to be consistent.<br>—Section 14-1.03 does recognize children with social maladjustments. | children who have learning problems which are primarily the result of... cultural or economic disadvantage." |
| 14-1.03 Definition of Maladjusted Children<br>—Permits certain maladjusted children to be excluded from school. "No emotionally maladjusted child may be excluded by school authorities from a special education program on the grounds of his being so grossly handicapped as to make his education nonfeasible until after a joint consultation with the parents and the Department of Mental Health and Developmental Disabilities."<br>Recommendation: Delete | Section 612(1)<br>—requires the State to have in effect a policy which "assures that all handicapped children have the right to a free appropriate public education." |
| 14-1.05 Definition of Trainable Mentally Handicapped Children<br>—provides in part:<br>"Any such child shall be regarded as eligible for special educational facilities only as long as benefit to him from the program can be determined to exist."<br>Recommendation: Delete<br>—judicial decisions have recognized that all children can benefit to some degree from some form of education. | Section 612(1)<br>—requires the State to have in effect a policy which "assures that all handicapped children have the right to a free appropriate public education." |
| 14-1.08 Medical Services<br>—defines "special education facilities." The definition does not include "medical services."<br>Recommendation: Amend 14-1.08 to include federal definition of "related services." | Section 4(a)(17)<br>—defines the term "related services" to include "medical services...for diagnostic and evaluation purposes." |

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| 14-3.01 State Advisory Council<br>—establishes a State Advisory Council of seven members who are appointed by the Superintendent of Public Instruction (Superintendent of Education) and who have knowledge of or experience in problems of handicapped children. The Directors of DMH/DD and DCFS are ex-officio members.<br>Recommendation: Specific representation as required by 94-142 could be accomplished by IOE rules and regulations. | Section 613(a)(12)<br>—requires the State plan to provide that the State have an advisory panel appointed by the governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents, or guardians of handicapped children, State and local officials, and administrators of programs for handicapped children. 613(a)(12) |
| 14-7.02 Placement in Nonpublic Facilities<br>—allows districts to place students in nonpublic schools or special education facilities but only permits the district to pay the actual cost of tuition charged the child or $2500, whichever is less. Since the district may only pay a maximum of $2500 the child is required to pay the remainder.<br>Recommendation: Amend 14-7.02 to eliminate the $2500 ceiling on district payments. | Sections 612(1), 612(2)(C) and 613(a)(4)(B)<br>—requires the State to have a policy which assures all handicapped children a right to a free appropriate public education without charge.<br>—Section 4(a)(18) states that the term "free appropriate public education" means "special education and related services which (A) have been provided at public expense, under public supervision and direction and without charge. ..."<br>—Section 4(a)(16) states "the term 'special education' means specifically designed instruction, at no cost to parents or guardians...." |
| 14-8.01 IOE Rules and Regulations<br>—requires IOE to issue rules and regulations but does not require public hearings.<br>Recommendation: Amend to conform with Sec. 612(7) of 94-142 | Section 612(7)<br>—requires the State to assure that public hearings are held prior to adopting procedures, programs, and policies mandated by Sections 612 and 613. |
| 14-8.01 Testing<br>—provides the following: "No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this | Section 612(5)(C)<br>—requires procedures to assure that testing and evaluation materials and procedures utilized for purposes of evaluation and placement will be selected and administered so as not to be |

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| Article until he has been given, in the principal language used in his home, tests reasonably related to his cultural environment."<br>Recommendation:<br>14-8.01 should be clarified to insure that it conforms with the requirement in 94-142 which requires that testing and evaluation procedures not be racially nor culturally discriminatory. | racially or culturally discriminatory. The materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child. |
| 14-8.01 Programs<br>—no similar statutory requirement either for annual review of special education programs or of the individualized program for each child.<br>Recommendation: Amend<br>14-8.01 to include yearly evaluations as required by Section 613(a)(11) | Section 613(a)(11)<br>—requires the State plan to provide procedures for annual evaluations of the effectiveness of the programs and of the individualized program for each child. |
| 14-8.01 Evaluations<br>—no similar statutory provision.<br>Recommendation: Amend<br>14-8.01 to permit parents to obtain the independent evaluation. | Section 615(b)(1)(A)<br>—requires procedures which afford parents and guardians the right to obtain an independent educational evaluation of the child. |
| 14-8.01 Programs<br>—no similar provision referring to individualized educational programs.<br>Recommendation:<br>The federal requirement of individualized programs can be accomplished through rules and regulation. | Section 612(4) and 614(a)(5)<br>—requires individualized programs to be maintained by the LEA for each handicapped child. |
| 14-9.01 Qualifications of Teachers, other professional personnel and necessary workers<br>—provides that "No person shall instruct a special education class or program without a proper valid teacher's certificate and unless he has had such special training as the Superintendent of Public Instruction (State Board of Education) requires. | Section 612(6)<br>—provides that the State education agency shall be responsible for free appropriate education in all educational programs for handicapped children within the State.<br>Section 613(a)(3)<br>—requires the State plan to include programs and procedures for |

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| Recommendation:<br>Legislation needed to also require proper training for all persons teaching in private facilities/institutions. | establishing comprehensive personnel development programs to include in-service training to insure that all personnel necessary to carry out the Act are appropriately and adequately trained. |
| 14-13.01 Home and Hospital Instruction<br>—The only reference in the School Code to home and hospital instruction is in 14-13.01 which provides reimbursement for "eligible physically handicapped children in hospital or home instruction. ..."<br>Recommendations: Since 94-142 does not limit home and hospital instruction solely to physically handicapped students an amendment to Section 14-13.01 may be needed. | Section 4(a)(16)<br>—defines the term "special education" to include "home instruction, and instruction in hospitals and institutions." |
| 50-1 et seq. School Records<br>—Illinois School Records Act, Sections 50-1 et seq. and Illinois School Records Regulations give parents the right to inspect their child's school student records. The term School Student Record is defined by statute, Section 50-2(d). Rules and Regulations to Govern the Administration and Operation of Special Education provides the right to review records.<br>Recommendation: No legislation needed. | Section 612(5) and 615(b)<br>—Requires the State to establish procedural safeguards as follows:<br>(1) "an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child." 615(b)(1)(A) |
| Parent Surrogate<br>—No similar provision exists in the School Code. Article XI of the Rules and Regulations to Govern the Administration and Operation of Special Education requires assignment of a surrogate per the standards established in 94-142.<br>Recommendation:<br>There has been some concern about the legal status of such an individual. Many are concerned that it amounts to taking rights | (2) "procedures to protect the rights of the child whenever the parents or guardian of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State, educational agency, local educational agency, or intermediate educational unit involved in the education or care of the child) to act as a surrogate for the parents or guardian: 615(b)(1)(B) |

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| away from the parent. The rules and regulations merely authorize the surrogate to serve as the child's advocate. The regulations do not take rights away from the parents. Statutory authorization for such an appointment might reduce many anxieties. Consider legislation to provide the surrogates with some degree of protection from lawsuits, similar to the protection afforded to teachers who report child abuse. | |
| Administration<br><br>—No similar state statutory provision<br>Recommendation: Legislation will be needed to authorize IOE to supervise the administration of all educational programs for handicapped children in Illinois, including those programs operated by other State agencies. | Section 612(6)<br>—provides that: "The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency." |

APPENDIX B

# TRUANCY AND STUDENT ATTENDANCE IN ILLINOIS SCHOOLS, 1976-77: A SUMMARY REPORT

This is a summary of a 43-page report of a survey conducted by the Joint Committee on Truancy and Student Discipline of the Illinois School Problems Commission and the Illinois Office of Education.

The survey was developed and guided by the Joint Committee, while the technical design and compilation of data were undertaken by the Research and Statistics Section of the Illinois Office of Education. The final Survey Report and the data analysis are largely the work of Dr. William L. Humm, Research Specialist, Illinois Office of Education.

Survey Report dated April 1977

As part of its effort to propose legislative and administrative change which could assist schools with attendance/truancy problems, the Illinois School Problems Commission (SPC) in 1976 designated a subcommittee, the Illinois Joint Committee on Truancy and Student Discipline, to study the problems related to attendance and truancy in Illinois schools. The Joint Committee chaired by Norella Welch and composed of SPC members, school personnel, laymen, and representatives of the Student Affairs Section of the Illinois Office of Education has, over the past several months, conducted hearings around the state, explored the relevant literature concerning truancy and absenteeism, and worked to develop its own base of information concerning local district attendance policies, procedures, and practices. One facet or this activity was the development by the Joint Committee of a plan to survey the school districts in the state to obtain first-hand information deemed useful to better understand the problem area.

With technical assistance from the Research and Statistics Section of the Illinois Office of Education, a survey questionnaire was designed, tested, and refined and a data collection conducted during February 1977. A preliminary report of the initial returns of the survey was prepared in early March. Since that time, follow-up activities increased the returns of the survey by almost 38 percent. This report thus provides a summary of the returns as final data collection activities were completed during March. The following sections of this report contain the findings, conclusions, and recommendations based on the statistical and narrative data contained herein.

## Findings

In this report of the survey findings, only the returns from the public school districts were analyzed. Of the 1024 survey forms sent to Illinois public school districts, 588 were received in the first returns (through February 28), and an additional 224 were received during the follow-up stage of the data collection, for a total return of 812, or 79.3 percent. Eight hundred six returns (99.3 percent) were usable for data analysis. Since only about 25 percent of the nonpublic school districts had returned the survey form by the February 25 first return deadline, the nonpublic districts' returns were excluded from the preliminary analysis, and no follow-up activities were directed to these districts. Thus, a summary of the findings from the nonpublic districts is not included in this report.

Almost 90 percent of the public high school districts and nearly 80 percent of the unit districts are represented in the survey returns (high school and unit districts both include the grades 9-12). Over three-fourths of the elementary districts (grades K-8) are represented in the survey returns as well. Responses from one or more districts were received from 99 of the 102 counties in Illinois (97.1%). Responses from districts in the following three counties were <u>not</u>

included in this analysis of the survey returns: Bond, Edwards, and Pulaski. It should be noted, however, that two of these counties have only two school districts each, and the other one has only one school district.

More than 34 percent of the respondent districts are located in the Northeast region comprised of the counties of Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will. Since the Northeast region contains just over 32 percent of the operating public school districts, the proportion of responses from that region is comparable to that which would be expected if the rate of response from all regions was uniform.

Analysis of the survey returns by community type shows that the majority of the respondent districts were rural (56.2%), and also that most had enrollments of less than 1000 (56.1%). Crosstabulation of enrollment category by community type indicates that more than 47 percent of the respondent districts were both rural and under 1000 enrollment.

## Attendance Policies

Almost three-fourths of the districts (74.7%) reported having written attendance policies. Of these districts, more than 95 percent indicated that their written policies were distributed. The percent of districts who reported having written attendance policies, however, varies from 93.9 percent for high school districts to 58.5 percent for elementary districts, with unit districts at 83.0 percent. From these statistics it would appear that among the three district types, elementary districts are least likely to have written attendance policies and high school districts are most likely to have such written policies.

Written attendance policies were reported as distributed to teachers in more than 93 percent of the districts, to students in about 88 percent of the districts, to parents in about 78 percent of the districts, and to the community in just more than 20 percent of the districts. Further, it can be noted that attendance policies were reported as distributed to teachers, students, and parents by a greater proportion of high school districts than the other two district types. A greater proportion of unit districts (24.5%) than the other two district types indicated that policies were distributed to the community.

Of the 602 districts that report having written attendance policies, a majority (56.5%) also have written procedures for implementing the attendance policies. The proportion of these districts that have written procedures varies, with high school districts highest at 72.0 percent and elementary districts lowest at 45.7 percent. Over 98 percent of the districts that have written procedures for implementing the attendance policies also distribute them. Of those that distribute the written procedures, 97.1 percent distribute to the teachers, 88.5 percent distribute to the students, 78.2 percent distribute to the parents, and 22.4 percent distribute to the community.

The data concerning written attendance policies and procedures for implementing the attendance policies were also tabulated by community type and district enrollment category.

## Truancy Policies and Identification of Truants

One question asked of the respondents was, "Do one or more communities within the school district have a municipal policy or ordinance concerning truancy? Almost 62 percent of the respondents answered "no," about 27 percent indicated they "did not know," 5.7 percent did not respond, and 6.1 percent answered "yes."

The respondents were asked to indicate "the minimum criteria used to identify a student as truant in the day-to-day operation of the district's schools." Also, if students were classified as "chronic truants," the respondents were asked to describe "the minimum criteria used in the day-to-day operation of the schools to make this determination." Seventy-nine percent of the respondents wrote answers concerning identification of truants; most were definitions of truancy. Some of the responses were more criteria-specific than others but, in general, the answers, in order of frequency cited, in the following list were typical.

1. Absence without the knowledge or consent of the parent.
2. Three consecutive days of unexcused absence.
3. Repeated unexcused absence.
4. Any unexplained absence.
5. Absence without the knowledge or consent of the parents or school.
6. Five to ten days unexcused absence in a nine week period.
7. Absence with parent's knowledge but without sufficient reason.
8. Twelve to fifteen days unexcused absence.

There was more variability in the responses regarding the classification of students as "chronic truants." Many respondents noted that they did not utilize this classification, i.e., they did not differentiate between truants and "chronic truants." However, respondents from more than 74 percent of the high school districts, 64 percent of the unit districts, and 48 percent of the elementary districts (a total of 59 percent of the 806 districts) provided answers relevant to classification of students as "chronic truants." Answers typically given, in order of their frequency, and which suggested the criteria employed were:

1. Repeated unexcused absence.
2. Three consecutive days of unexcused absence.
3. Ten days of unexcused absence in a nine week period.
4. Five consecutive days of absence.
5. One or more days per week of absence with no acceptable reason. This includes absences on certain days of the week such as Monday or Friday.

6. Repeated truancy after parent conference.
7. Absence which affects a student's learning process.
8. Continued truant behavior after the school and home have exhausted all alternatives.
9. Determined on an individual basis, usually by the principal.
10. Percentage of non-attendance ranging from 25 to 70 percent.

## Estimates of the Number of Truants

The respondents were asked to use the criteria described in their responses to the questionnaire items concerning identification and/or classification of truants and "chronic truants" to provide a "best estimate of the number of students in the school district classified as 'truants' and 'chronic truants' during the (a) current year to date, (b) 1975-76 school year, and (c) 1974-75 school year." The directions to the respondents specified that the estimated number of truants should include all students so identified, including those classified as "chronic truants," if any (i.e., the count of "chronic truants" was to be duplicated in the count of truants).

TABLE 1

ESTIMATED NUMBER OF TRUANTS FOR THE 1976-77 SCHOOL YEAR TO DATE, FOR 1975-76, AND FOR 1974-75, BY DISTRICT TYPE, COMMUNITY TYPE, AND REGION

| | N | 1976-77 To Date | 1975-76 | 1974-75 |
|---|---|---|---|---|
| District Type— | | | | |
| Elementary | 337 | 2,297 | 2,557 | 1,919 |
| High School | 114 | 12,119 | 10,472 | 9,891 |
| Unit | 355 | 8,510 | 32,071 | 9,645 |
| Community Type— | | | | |
| Rural | 453 | 3,177 | 3,538 | 3,088 |
| Suburb | 245 | 13,671 | 12,648 | 12,240 |
| Indep. City | 99 | 4,158 | 4,863 | 3,845 |
| Central City | 9 | 1,920 | 24,051 | 2,282 |
| Region— | | | | |
| 1-Northeast | 278 | 12,405 | 32,597 | 10,229 |
| 2-Northwest | 129 | 2,555 | 2,858 | 2,778 |
| 3-West Central | 102 | 1,455 | 1,936 | 2,039 |
| 4-East Central | 122 | 2,341 | 2,617 | 2,254 |
| 5-Southwest | 79 | 2,326 | 3,168 | 2,969 |
| 6-Southeast | 96 | 1,844 | 1,924 | 1,186 |
| All | 806 | 22,926 | 45,100 | 21,455 |

TABLE 2

ESTIMATED NUMBER OF CHRONIC TRUANTS FOR THE 1976-77 SCHOOL YEAR TO DATE, FOR 1975-76, AND FOR 1974-75 BY DISTRICT TYPE, COMMUNITY TYPE, AND REGION

| | N | 1976-77 To Date | 1975-76 | 1974-75 |
|---|---|---|---|---|
| District Type— | | | | |
| Elementary | 337 | 562 | 612 | 611 |
| High School | 114 | 1,649 | 2,130 | 1,473 |
| Unit | 355 | 2,994 | 12,820 | 3,384 |
| Community Type— | | | | |
| Rural | 453 | 1,290 | 1,480 | 1,126 |
| Suburb | 245 | 2,095 | 2,955 | 2,462 |
| Indep. City | 99 | 1,292 | 1,290 | 1,176 |
| Central City | 9 | 528 | 9,837 | 704 |
| Region— | | | | |
| 1-Northeast | 278 | 1,968 | 11,918 | 2,060 |
| 2-Northwest | 129 | 612 | 669 | 716 |
| 3-West Central | 102 | 583 | 670 | 693 |
| 4- East Central | 122 | 912 | 954 | 756 |
| 5-Southwest | 79 | 697 | 897 | 823 |
| 6-Southeast | 96 | 424 | 454 | 420 |
| All | 806 | 5,205 | 15,562 | 5,468 |

It can be observed from Tables 1 and 2 that the total estimated number of truants and chronic truants reported is greater for 1975-76 than for either 1974-75 or 1976-77 to date. This is primarily due to the exclusion of data from the City of Chicago school district, as data from Chicago were obtained only for the most recently completed full school year, 1975-76, and not for 1974-75 and the current year to date. Since more complete data were provided for the 1975-76 school year, the analysis presented here concentrates on 1975-76 school year estimates.

The data in Table 1 can be used to calculate an average estimated number of truants for each district by district type, community type, and region. If this is done for the 1975-76 school year, the statistics show the following average estimated number of truants per district: elementary districts, 7.6; high school districts, 91.9; unit districts, 90.3 (29.3 if Chicago is excluded); rural districts, 7.8; suburban districts, 51.6; independent city districts, 49.1; and central city districts, 2672.3 (293.9 if Chicago is excluded). By region, the estimated average number of truants per district is as follows: Northeast, 117.3 (39.3 if Chicago is excluded); Northwest, 22.2; West Central, 19.0;

East Central, 21.5; Southwest, 40.1; and Southeast, 20.0.

Similarly, the data in Table 2 for the school year 1975-76 can be used to provide the following average estimated number of chronic truants per district: elementary districts, 1.8; high school districts, 18.7; unit districts, 36.1 (9.99 if Chicago is excluded); rural districts, 3.3; suburban districts, 12.1; independent city districts, 13.0; and central city districts, 1093.0 (69.4 if Chicago is excluded). A comparison of the total estimated number of truants and chronic truants indicates that about one-third of the estimated number of truants were classified as chronic truants by the survey respondents.

Using fall enrollments as a base, the percent of the estimated number of truants and chronic truants per district for 1975-76 was calculated for each of the 806 respondent school districts. Among the three district types, high school districts had both the highest mean and median estimated proportion of enrollment (3.77% and 1.56%, respectively) classified as truant. Additionally, one-fourth of the high school districts had 5.11 percent or more of their enrollments classified as truants. For unit districts the mean and median estimated proportions of enrollment classified as truant were 1.40 percent and 0.66 percent, respectively, with one-fourth of these districts having 1.71 percent or more of their enrollments classified as truants. The mean estimated proportion of enrollment classified as truants in elementary districts was less than one-half of one percent (0.46%), and the median was 0.08 percent, with three-fourths of the elementary districts classifying 0.49 percent or less of their enrollments as truant. As can be seen from Table 3, the distribution of the percent of estimated number of truants is skewed, with about one-fourth of the districts of each type having considerably higher estimated proportions of truants than the other three-fourths. A similar skewness exists in the data summarized in Table 4 for the percent of the estimated number of chronic truants by district type. For example, the data indicate that for high school districts, one-fourth classify 1.28 percent or more of their enrollments as chronic truants, while one-half classify 0.31 percent or less of their enrollments as chronic truants. The data show that high school districts and unit districts both have higher estimated proportions of their enrollments classified as truants and/or chronic truants than do elementary districts.

It should be noted, however, when interpreting Tables 1, 2, 3, and 4, that the estimates of numbers of truants and chronic truants were those supplied by the respondent districts using their own local criteria for identifying and/or classifying students into these categories. These criteria did exhibit some variability as noted earlier in this report.

To summarize, the estimates of truancy, while undoubtedly influenced by varying local criteria, tend to suggest the following:

1. The average estimated number of truants and chronic truants per district is greater among high school and unit districts than in elementary districts.

TABLE 3

DISTRIBUTION OF PERCENT OF ESTIMATED NUMBER OF TRUANTS BY DISTRICT TYPE FOR THE 1975-76 SCHOOL YEAR

| District Type | Mean | Median | 75th Percentile | Lowest | Highest | N |
|---|---|---|---|---|---|---|
| Elementary | 0.46 | 0.08 | 0.49 | 0 | 10.14 | 337 |
| High School | 3.77 | 1.56 | 5.11 | 0 | 38.91 | 114 |
| Unit | 1.40 | 0.66 | 1.71 | 0 | 18.58 | 355 |

TABLE 4

DISTRIBUTION OF PERCENT OF ESTIMATED NUMBER OF CHRONIC TRUANTS BY DISTRICT TYPE FOR THE 1975-76 SCHOOL YEAR

| District Type | Mean | Median | 75th Percentile | Lowest | Highest | N |
|---|---|---|---|---|---|---|
| Elementary | 0.18 | 0.00 | 0.13 | 0 | 4.90 | 337 |
| High School | 0.91 | 0.31 | 1.28 | 0 | 12.18 | 114 |
| Unit | 0.59 | 0.27 | 0.73 | 0 | 9.50 | 335 |

2. The proportion of the district enrollment classified as truants and/or chronic truants is also greater among high school and unit districts than in elementary districts.

3. The average estimated number of truants and chronic truants per district is highest among suburban and urban districts and lowest in rural districts. This, however, is somewhat related to district size, as urban districts are more likely to have larger enrollments.

4. By geographic region the largest estimated number of truants are reported in the northeast region of the state consisting of Cook County and the surrounding eight counties of DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will.

Practices Utilized in Response to Truant Behavior

Respondents were asked to indicate which of several listed practices were commonly utilized in the school district in response to truant behavior by students. Table 5 summarizes the percent of respondents reporting each practice by district type.

TABLE 5

PERCENT OF DISTRICTS UTILIZING VARIOUS PRACTICES IN RESPONSE TO TRUANT BEHAVIOR, BY DISTRICT TYPE

| Practice | Elementary | Unit School | Unit | All |
|---|---|---|---|---|
| 1. Parent or guardian of suspected truant contacted by telephone. | 92.0 | 98.2 | 96.3 | 94.8 |
| 2. Parent conferences conducted. | 80.7 | 93.9 | 89.0 | 86.2 |
| 3. Truants receive in-school counseling. | 56.4 | 88.6 | 81.4 | 72.0 |
| 4. Parent or guardian of suspected truant notified of student's absence by mail. | 52.8 | 75.4 | 77.2 | 66.7 |
| 5. Truant/attendance officer visits home of suspected truant. | 46.9 | 44.7 | 57.7 | 51.4 |
| 6. Truants referred to community service agencies other than law enforcement. | 29.4 | 48.2 | 40.3 | 36.8 |
| 7. Truants are suspended. | 10.1 | 56.1 | 45.4 | 32.1 |
| 8. Truants receive special education services. | 11.9 | 31.6 | 20.8 | 18.6 |
| 9. Truants receive special testing. | 8.6 | 20.2 | 12.7 | 12.0 |
| 10. Truants placed in work-study programs. | 1.5 | 23.7 | 15.5 | 10.8 |
| 11. Truants placed in district alternative learning programs. | 2.7 | 26.3 | 11.8 | 10.0 |
| 12. Truants placed in vocational schools or vocational programs. | 0.3 | 12.3 | 11.3 | 6.8 |
| 13. Truants are expelled. | 0.0 | 14.0 | 9.9 | 6.3 |

TABLE 5 (continued)

| Practice | Elementary | Unit School | Unit | All |
|---|---|---|---|---|
| 14. Truants given option to attend schools in other attendance areas within school district. | 2.4 | 5.3 | 3.9 | 3.5 |
| 15. Truants placed in residential schools. | 1.8 | 7.0 | 3.4 | 3.2 |
| 16. Other practices indicated. | 8.3 | 20.2 | 9.6 | 10.5 |

Table 5 indicates that the four most frequently reported practices among all types of districts were, in rank order: (1) parent or guardian of a suspected truant is contacted by telephone; (2) parent conferences are conducted; (3) truants receive in-school counseling, and (4) parent or guardian of a suspected truant is notified of the student's absence by mail. The fifth most often reported practice among elementary and unit districts was "truant officer or attendance officer visits home of a suspected truant." This last practice was reported by only slightly more than 50 percent of the districts, while the four most often reported practices were indicated as utilized by 66 percent or more of the districts. From the practices indicated as commonly utilized it would appear that districts most frequently engage in activity which involves interaction with the parent or guardian of a suspected truant. Interestingly, 56.1 percent of the high school districts reported that truants are suspended. This was the fifth most frequently reported practice among high school districts. Slightly more than 45 percent of the unit districts reported the practice of suspending truants. It should be noted, however, that almost one-fourth of the high school districts report utilizing placement of truants in work-study programs, while less than 16 percent of the unit districts report this same practice. A study of Table 5 reveals other apparent generalizations, but the statistics should be examined in relation to the school district type, since a practice which, for example, might be appropriate for a high school district (and thus possibly frequently cited) may not be appropriate for an elementary district (and thus be less frequently cited). The placement of truants in a work-study program is an example of this condition.

The percent of respondents reporting each practice by community type and district size was analyzed. It was noted that the use of certain practices in response to truant behavior is to a degree dependent upon school district characteristics. A small, rural district, for example, may not be able to allow truants the option to attend schools in other attendance areas within the school district, since there may be only one attendance center and thus just one attendance area for the whole district. Conversely, a large district

or an independent city or central city district may have more resources and options available to utilize in responding to truant behavior. For example, greater proportions of both larger districts and urban districts reported utilizing in-school counseling for truant behavior, as well as referring truants to community service agencies other than law enforcement agencies.

## Legal Actions in Response to Truant Behavior

The respondents were asked to indicate which of a list of four specific legal actions had been taken by district or school administrators in response to truant behavior by students. More than 36 percent of the respondents reported having requested the assistance of the state's attorney in forcing compliance of parents and students with school attendance laws, and a similar percent had requested police assistance in locating truants. Over 31 percent reported filing petitions against the parent or guardian, and 23 percent cited filing petitions in Juvenile Court. About 18 percent indicated that other legal actions have been taken, with 16.7 percent identifying specific actions.

With the exception of the practice of requesting assistance of the state's attorney, high school districts report utilizing all of the identified legal actions in proportionately greater numbers than do elementary or unit districts. The exception is interesting, since about 50 percent of the unit districts, but only 42 percent of the high school districts, report requesting the assistance of the state's attorney. This exception represents a reversal of a pattern evident for the other legal actions. This may be only an artifact of the data, or it may be found to be due to a local political situation if analyzed in more detail.

Examination of the percent of school districts by community type reporting legal actions in response to truant behavior by students reveals that the proportion of independent city and central city districts reporting having requested the assistance of the state's attorney is more than double that of rural and suburban districts (i.e., 71 percent or more vs. 31 percent). Overall, the practices of requesting police assistance in locating truants, filing petitions against parents, and filing petitions in Juvenile Court are almost twice as likely to be utilized by suburban and urban districts than by rural districts (see Table 6). This finding probably reflects both the extent to which truancy is perceived as a problem in these districts as well as the availability of assistance in dealing with truant behavior locally (i.e., truancy is usually a problem of greater magnitude in non-rural districts, and legal assistance may be more routinely available as well as sought).

Larger districts utilize all legal actions identified in the survey questionnaire in greater proportions than do smaller districts. Again, the magnitude of the perceived truancy problem and the local availability and commitment to use legal action may be more prevalent

among larger districts. There is also some interrelationship between community type and district enrollment, i.e., districts of less than 500 enrollment are predominantly rural (92.9%), while districts of 1500 or more are predominantly suburban or urban (85.6%).

TABLE 6

PERCENT OF SCHOOL DISTRICTS REPORTING LEGAL ACTIONS IN RESPONSE TO TRUANT BEHAVIOR, BY COMMUNITY TYPE

| Legal Action | Rural | Suburb | Indep. City | Central City |
|---|---|---|---|---|
| States attorney's assistance requested | 30.9 | 30.6 | 70.7 | 77.8 |
| Police assistance requested in locating truants | 21.6 | 53.5 | 59.6 | 33.3 |
| Petitions filed against parent | 21.0 | 45.7 | 42.4 | 55.6 |
| Petitions filed in Juvenile Court | 12.4 | 39.6 | 26.3 | 66.7 |
| Other legal action taken | 15.0 | 20.0 | 24.2 | 22.2 |

Rating of Assistance Received from the Judicial Process

The respondents were asked to indicate how school administrators and attendance officers would rate the assistance the school district is presently receiving from the judicial process in dealing with truancy. Twenty-five percent of the respondents did not answer this question; however, of those who did, more than 40 percent rated the assistance as "poor", while 22.6 percent rated the assistance as "fair." Only 20.3 percent rated the assistance as "good" or "excellent." Table 7 summarizes the distribution of responses for the rating by school district type.

When the ratings are examined by district type, it is evident that respondents in high school and unit districts were most likely to rate the assistance received from the judicial process as "poor." Approximately 52 percent and 44 percent, respectively, of the respondents from these district types designated the "poor" rating. When one notes that these district types usually have the greatest incidence of truancy, these statistics seem especially telling. Also, the greater proportions of respondents from high school and unit districts who did

rate the judicial process (89.5 percent and 84.5 percent vs. 61.5 percent for elementary districts) suggests that the respondents from high school and unit districts may have had more occasions to use the judicial process in dealing with truancy than those respondents from elementary districts.

TABLE 7

RATINGS OF THE ASSISTANCE RECEIVED FROM THE JUDICIAL PROCESS IN DEALING WITH TRUANCY, BY DISTRICT TYPE

| Rating | Percent of Response and (Percent of those Rating) Elementary | High School | Unit | All |
|---|---|---|---|---|
| Excellent | 3.6 ( 5.9) | 3.5 ( 3.9) | 3.7 ( 4.3) | 3.6 ( 4.8) |
| Good | 12.5 (20.6) | 11.4 (12.7) | 11.0 (13.0) | 11.7 (15.5) |
| Adequate | 14.8 (24.5) | 14.0 (15.7) | 10.1 (12.0) | 12.7 (16.8) |
| Fair | 11.9 (19.6) | 14.0 (15.7) | 22.8 (27.0) | 17.0 (22.6) |
| Poor | 17.8 (29.4) | 46.5 (52.0) | 36.9 (43.7) | 30.3 (40.3) |
| Did not rate | 39.5 -- | 10.5 -- | 15.5 -- | 24.8 -- |

Analysis of the ratings of the assistance received from the judicial process by community type and district enrollment shows that 31.3 percent of the rural districts and 49.3 percent of the districts under 300 enrollment did not rate the judicial process. Urban districts and larger districts had consistently smaller proportions of respondents who did not rate the judicial process. One hundred percent of the central city districts (9) and 93 percent of the districts of 300 enrollment or larger (106) rated the judicial process. This finding suggests also that respondents from larger and more urban districts may have had more involvement with the judicial process in dealing with truancy than rural and smaller districts. The highest proportion of "excellent" and "good" ratings of the judicial process were found among the central city districts, as 33.3 percent (3) indicated these ratings; however, of the districts having 3000 or more enrollment, only 15.1 percent (16) rated the judicial process as "excellent" or "good."

In summary, elementary, rural, and smaller districts were least likely to rate the assistance received from the judicial process in responding to truant behavior of students. This tends to suggest that these districts utilize the judicial process to a lesser degree than do high school, unit, urban, and larger districts. The ratings of the judicial process by all categories of districts tend to indicate that those who find the process "excellent" or "good" are in the minority.

## State Policy/Legislation Concerning School Attendance

Of five specific items listed, respondents were asked to indicate which should be included in state policy or legislation concerning school attendance. Over 61 percent of the respondents suggested the permissive policy of allowing schools to "make regulations requiring a parent or guardian of a student to notify the school by telephone any day the student will be absent." Almost 56 percent suggested the mandatory policy, "schools shall keep accurate records of all unexcused absences of one-half day or more." Approximately 38 percent preferred the mandatory procedure, "pupil absences must be reported by teachers each class period." Thirty-six percent preferred the mandatory procedure, "when a student is absent, the school must notify the student's parent or guardian by telephone if the absence has not been reported by the parent or guardian." And more than 32 percent of the respondents agreed with the mandatory provision that "schools shall keep available on a quarterly basis (every 9 weeks) a record of the number of students having unexcused absences of one-half day or more and the total number of days of unexcused absences in the quarter."

Over 75 percent of the high school district respondents preferred a policy allowing the schools to require a parent or guardian of a student to notify the school by telephone any day the student will be absent. This policy is also preferred by 88.9 percent (8 out of 9) central city districts. Conversely, only 38.6 percent of the high school district respondents agreed that the schools should notify the parent or guardian by telephone of a student's absence in the event the absence had not been reported by the parent or guardian. However, almost 78 percent (7 out of 9) of the central city preferred this policy.

## Legislative or Administrative Changes Suggested by Respondents

The final item on the questionnaire provided for additional narrative response and asked, "What, in your opinion, are legislative or administrative changes which might assist schools and school district personnel in reducing truant behavior by students?" A summary of the content of the responses follows and is presented generally in the order of frequency encountered.

1. Regular attendance of a child at school is a parental responsibility. Parents contribute to their child's truancy by providing non-valid excuses. Students and parents must be held accountable. Mandatory fines for parents whose children do not attend school were strongly suggested.

2. No more legislation is needed. Most respondents felt laws are currently adequate but are not being enforced. More rapid response and faster processing of truancy cases are suggested. Respondents expressed great frustration with the state's attorneys and judges' failure to apply the law. Many felt state's attorneys should be mandated to prosecute truancy cases. Some respondents indicated that they no longer attempt to utilize the enforcement procedure of the compulsory age law because there is little support from the legal authorities.

3. No more mandated programs or procedures are needed. It was felt that local districts are in the best position to know their own problems and that only guidelines should be provided to insure some consistency of procedures. Many respondents indicated that procedures outlined in question 10 (see the questionnaire) were being followed, but felt the procedures ought to be permissive, rather than mandated.

4. Revisions of the compulsory age law. Many respondents cited a need for review of the compulsory age law, suggesting:

   a. lowering the school attendance age to 14,
   b. making attendance compulsory through eighth grade,
   c. raising the school attendance to 18,
   d. allowing students the option to attend a two-year vocational or career-oriented high school, and
   e. examination of the enforcement procedure.

5. There is a need for a statewide definition of truancy.

6. Provisions should be made to fund alternative programs.

7. Provide more funds for: vocational education, truant officers and attendance officers, and counselors.

8. Set a minimum number of days, excluding bona-fide illness, as one criterion for promotion. Set basic attendance requirements (number of days of attendance) after which a student loses credit for a course.

9. Residential placement.

10. Define by law what constitutes excused absence.

11. Suggestion that a network of local services and community agencies probably would be more effective than any additional legislation.

12. Give legal authority to regional superintendents of education to hold hearings with truant students and their parents with clear-cut, reasonable penalties for those who fail to cooperate.

13. Early prevention.

## Conclusions

The following are conclusions based on the data analyses and the narrative summaries contained in this report.

1. From the number of estimated truants reported, from the responses regarding practices utilized, and from responses concerning the usage of the judicial process in dealing with truancy, it is evident that these data verify the generally acknowledged view that truancy is typically a more frequently occurring problem in high schools. This conclusion agrees with the well-documented pattern of consistently higher absenteeism in Illinois high schools.

2. The data described above also support the contention that truancy represents a problem of greater magnitude in urban and large school districts in Illinois.

3. The data also show that when estimates of the number of truants statewide are examined, they indicate that the Northeast region of the state (Cook County and the surrounding eight counties) has a large proportion (72%) of the estimated number of truants in the state, as identified according to local school criteria. (This region has about 62 percent of the state's public school enrollment.)

4. High school districts and unit districts (which both include grades 9-12) are much more likely to have written attendance policies and procedures for implementing the attendance policies than are elementary districts.

5. Larger school districts (1500 or more enrollment) are more likely to have written attendance policies and procedures for implementing the attendance policies than are smaller districts (under 500 enrollment).

6. The responses provided to questions in this survey clearly indicate that there is variability in the identification of truants in the day-to-day operation of the schools. Some school districts appear to identify any instance of an unexcused absence by a student as truant behavior, while other school districts consider that as much as twelve to fifteen days of unexcused absence by a student would be indicative of truant behavior.

7. The practices reported as most frequently utilized by school personnel in response to truant behavior by a student were generally those involving interaction between the school personnel and the parent or guardian of the student. A majority of high school districts report utilizing the practice of suspending truants. This finding applies to independent city and central city districts as well.

8. Legal action in response to truant behavior is common, especially among high school districts and districts with larger enrollments. Over 42 percent of the high school districts report utilizing one or more legal actions.

9. Respondents representing high school and unit districts give very low ratings to the assistance received from the judicial process in dealing with truancy. Of those rating the process, over 67 percent of the high school districts and more than 70 percent of the unit districts rated the assistance received as "fair" or "poor", and more than 59 percent of all districts of 1000 or greater enrollment report the assistance received as "fair" or "poor". High school districts, unit districts, and larger school districts tend strongly to rate the assistance received from the judicial process in responding to truancy as less than satisfactory.

10. The policy concerning school attendance which was most favored by the respondents was a permissive one which would permit the schools to make regulations requiring a parent or guardian of a student to notify the school by telephone any day the student will be absent. More than 72 percent of the high school district respondents favored this policy.

11. School personnel tend to consider regular attendance of a child at school to be a parental responsibility. Thus, they tend to favor stricter procedures for holding the parent responsible.

12. Rather than more legislation concerning school attendance, many respondents expressed the desire to see

assistance in the form of stronger enforcement of the existing statutes.

## Recommendations

The writers of this report recommend that:

1. The findings and conclusions in this report be reviewed carefully in the context in which they are presented—a descriptive summary of the survey findings.

2. When resources are available, additional secondary analyses which investigate the interrelationship of district size, type, and community type to practices utilized to respond to truant behavior, and to the estimated number of truants be designed.

3. Programs and policies at the state level concerning truancy be structured to respond to local district characteristics such as community type, enrollment, district type, and such other characteristics as may be found by subsequent study to be relevant factors in the problem area.

4. In addition, continued research and analyses of annually collected data at the state level relating to absenteeism and truancy be encouraged, and that the dissemination of the findings of these analyses be systematically conducted.

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